

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

THE TORO COMPANY)
Opposer,) Opposition No. _____
)
v.) Mark: TORO
PURE FISHING, INC.)
Applicant) Serial No.: 77-255,909
)

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Trademark Trial and Appeal Board, U.S. Patent and Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451, on December 17, 2010.

By: Lisa Joyce
Name: Lisa Joyce

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Commissioner:

We are transmitting herewith the attached:

- Return postcard.
- Transmittal Sheet containing Certificate Under 37 C.F.R. 1.8
- Notice of Opposition and Exhibits A-J
- Please charge Deposit Account 50-0996 (TORO.717TA) \$300.00 in payment of the Filing Fee.** Authority is given to charge/credit additional fees/overages to complete this filing.

CRAWFORD MAUNU PLLC
1150 Northland Drive, Suite 100
St. Paul, MN 55120
(651) 259-2302

By: Linda M. Byrne
Name: Linda M. Byrne
Reg. No. 32,404



12-20-2010

TORO.717TA

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

THE TORO COMPANY)	
)	
Opposer,)	Opposition No. _____
v.)	
)	Mark: TORO
PURE FISHING, INC.)	
)	Serial No.: 77-255,909
Applicant)	

Trademark Trial and Appeal Board	12/22/2010	SHILSON1	00000002	500996	77255909
U.S. Patent and Trademark Office	01	FC:6402		300.00	DA
P.O. Box 1451					
Alexandria, VA 22313-1451					

NOTICE OF OPPOSITION

THE TORO COMPANY, a Delaware corporation, located and doing business at 8111 Lyndale Avenue South, Bloomington, Minnesota 55420 (hereinafter "Opposer"), believes it would be damaged and injured by registration of the mark TORO for "fishing reels, fishing rods" in International Class 28, as shown in Application Serial No. 77-255,909, filed on August 15, 2007, by Pure Fishing, Inc. (hereinafter "Applicant").

Opposer alleges, solely for the purpose of this proceeding, as grounds for Opposition, the following:

1. Applicant seeks to register TORO for "fishing reels, fishing rods" in International Class 28.
2. Upon information and belief, Applicant is a corporation having a location in Spirit Lake, Iowa.
3. Opposer manufactures, markets and/or sells a variety of products under the TORO mark, including irrigation systems, conduits for transporting water, and equipment to beautify and maintain parks, landscapes, golf courses, and athletic fields.

4. Opposer began to use the TORO trademark in 1914 and has used the trademark continuously since that time.

5. Applicant filed its intent-to-use trademark application for TORO on August 15, 2007.

6. Prior to the filing date of Applicant's TORO application, Opposer adopted and used, and is still using, the mark TORO in interstate commerce in connection with a wide variety of products and services relating to irrigation and landscape beautification and maintenance.

7. Opposer has continuously used the mark TORO as noted above and has not abandoned its use thereof.

8. Customers and potential customers of Applicant and Opposer are likely to be confused, or to be mistaken, or to be deceived into the belief, contrary to fact, that the goods of Applicant emanate from, or are sponsored by, Opposer, all to Opposer's irreparable damage.

9. Opposer has made a substantial investment in its TORO trademark, and Opposer has developed valuable goodwill in the mark TORO.

10. Opposer is the registrant and owner of several United States trademark registrations for its trademark TORO. These registrations are valid, subsisting, unrevoked and uncanceled, and are *prima facie* evidence of the validity of Opposer's ownership of the TORO mark and conclusive evidence of Opposer's exclusive right to use the marks therein in commerce in connection with the goods and services described therein without condition or limitation. These registrations also provide constructive notice of Opposer's claim of ownership of the TORO mark, all as provided by Sections 7(b), 22 and 33(a) of the Trademark Act of 1946, as amended. Opposer's TORO U.S. registrations include:

- U.S. Reg. No. 1,287,819, dated July 31, 1984, which covers underground irrigation systems, comprising controllers, valves, valve actuators, sprinkler heads, and parts thereof;
- U.S. Reg. No. 1,137,331, dated July 1, 1980, which covers vegetation cutting machines and parts thereof;
- U.S. Reg. No. 961,987, dated June 26, 1973, which covers machines for grading, leveling, scarifying, slicing, aerating, seeding, fertilizing, rolling and raking; and

- U.S. Reg. No. 2,336,569, dated March 28, 2000, which covers providing on-line product information via a web site concerning outdoor landscape maintenance equipment, parts and supplies.

Attached as Exhibits A-D is TARR information showing the status and title of each of these four registrations.

11. Opposer sells or distributes a variety of products associated with the TORO trademark, including equipment for building ponds (Exhibit E), as well as golf balls, pipes (Exhibit F), water conduits, outdoor power equipment, snowthrowers (Exhibit G), screwdrivers (Exhibit H), jackets (Exhibit I) and other products.

12. Opposer provides a wide variety of services associated with the TORO trademark, including hosting of golf tournaments, as shown by Exhibit J.

13. The mark TORO for which Applicant seeks registration in connection with "fishing reels, fishing rods," is so similar in meaning, sound, appearance and significance to Opposer's previously used and registered TORO marks as to be likely to cause confusion, mistake, or to deceive within the meaning of Section 2(d) of the Trademark Act of 1946, all to Opposer's irreparable damage and loss and /or dilution of the goodwill symbolized by Opposer's valuable trademarks.

14. Upon information and belief, the TORO products sold by Applicant and certain TORO products sold by Opposer are closely related in that they both relate to landscapes and fish ponds, they both relate to recreational products, they both relate to ice fishing, and/or they both relate to hand tools.

15. Opposer alleges upon information and belief that the goods of Applicant and those of Opposer are or are likely to be distributed and sold in coincident geographical areas through the same or commercially related channels of trade to the same purchasers. Customers of Applicant's goods sold under the designation TORO are likely to be confused, mistaken or deceived into the belief, contrary to fact, that Applicant's goods originate with and/or are in some way sponsored or approved by Opposer, all to Opposer's irreparable damage and loss and/or dilution of its valuable TORO trademark.

16. Opposer's TORO mark is famous and became famous prior to the filing date of Applicant's TORO application.

17. The use and registration by Applicant of the mark TORO is likely to dilute the distinctive quality of Opposer's famous TORO mark. The TORO mark, when used, will cause dilution under Section 43(c) of the Trademark Act of 1946, as amended.

18. Upon information and belief, Applicant has not used the TORO mark and is not currently using the TORO mark.

19. Applicant is not entitled to the registration sought in the opposed application because of the prior use and registration of a confusingly similar mark by Opposer.

20. If Applicant is granted registration of its claimed mark TORO, herein opposed, it would thereby obtain the *prima facie* exclusive right to use such mark, and such registration would be a source of damage and injury to Opposer.

21. The use by Applicant of the designation TORO in connection with the goods described in the opposed application is without Opposer's consent or permission.

WHEREFORE, Opposer requests that Application Serial No. 77-255,909 for registration of the alleged mark TORO be refused and denied, and that this opposition be sustained in favor of Opposer.

Please deduct the required filing fee of \$300.00 from Deposit Account 500996 (TORO.717TA) for this Notice of Opposition. Authority is given to charge additional fees to complete this filing.

Opposer is serving a copy of this Notice of Opposition on Applicant and on Applicant's Filing Correspondent, as set forth in the below Certificate of Service.

Please direct all correspondence to the attention of:

Linda M. Byrne
Crawford Maunu PLLC
1150 Northland Drive, Suite 100
St. Paul, MN 55120
651-259-2302 telephone
651-686-7111 fax
LByrne@ip-firm.com

Respectfully submitted,
THE TORO COMPANY
By Its Attorneys

Date: 17 Dec. 2010

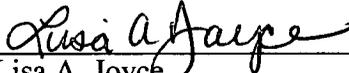


Linda M. Byrne
Registration No. 32,404
CRAWFORD MAUNU PLLC
1150 Northland Drive, Suite 100
St. Paul, MN 55120
651-259-2302 telephone
651-686-7111 fax
LByrne@ip-firm.com

Enclosures: Exhibits A-J

CERTIFICATE OF MAILING

I hereby certify that this NOTICE OF OPPOSITION and Exhibits A-J are being deposited with the United States Postal Service, first class mail, in an envelope addressed to Trademark Trial and Appeal Board, U.S. Patent and Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451 on this 17th day of December, 2010.



Lisa A. Joyce

CERTIFICATE OF SERVICE

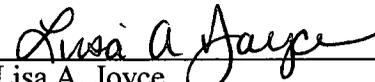
I hereby certify that this NOTICE OF OPPOSITION and Exhibits A-J are being deposited with the United States Postal Service, first class mail, in two envelopes addressed to Applicant and Applicant's attorney, as follows:

Pure Fishing, Inc.
Attn: Legal Department
1900 - 18th Street
Spirit Lake, IA 51360

and

Ms. Julie C. Vanderzanden
K-2 Corporation
6th Avenue South
Seattle, WA 98108

on this 17th day of December, 2010.



Lisa A. Joyce

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

This page was generated by the TARR system on 2010-12-16 14:47:39 ET

Serial Number: 73434447 Assignment Information Trademark Document Retrieval

Registration Number: 1287819

Mark



(words only): TORO

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2004-09-20

Filing Date: 1983-07-14

Transformed into a National Application: No

Registration Date: 1984-07-31

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: L50 -TMEG Law Office 105

Date In Location: 2010-08-07

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

1. TORO COMPANY, THE

Address:

**EXHIBIT A to
Notice of Opposition
Serial No. 77-255,909
Page 1 of 3**

TORO COMPANY, THE
8111 Lyndale Avenue South
Bloomington, MN 55420
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 011
Class Status: Active
Underground Irrigation Systems, Comprising Controllers, Valves, Valve Actuators, Sprinkler Heads, and Parts Thereof
Basis: 1(a)
First Use Date: 1973-04-00
First Use in Commerce Date: 1973-04-00

ADDITIONAL INFORMATION

Design Search Code(s):
26.11.01 - Rectangles as carriers or rectangles as single or multiple line borders

Prior Registration Number(s):
769393

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2004-09-20 - First renewal 10 year
2004-09-20 - Section 8 (10-year) accepted/ Section 9 granted
2004-07-26 - Combined Section 8 (10-year)/Section 9 filed
2004-07-26 - TEAS Section 8 & 9 Received
1990-09-27 - Section 8 (6-year) accepted & Section 15 acknowledged
1990-07-26 - Section 8 (6-year) and Section 15 Filed
1984-07-31 - Registered - Principal Register

**EXHIBIT A to
Notice of Opposition
Serial No. 77-255,909
Page 2 of 3**

1984-05-08 - Published for opposition

1984-03-26 - Notice of publication

1984-02-02 - Approved for Pub - Principal Register (Initial exam)

1984-02-01 - Examiner's amendment mailed

1984-01-27 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

R. Lawrence Buckley

Correspondent

R. Lawrence Buckley

THE TORO COMPANY

8111 LYNDAL AVE., SOUTH

MINNEAPOLIS, MN 55420

**EXHIBIT A to
Notice of Opposition
Serial No. 77-255,909
Page 3 of 3**

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

This page was generated by the TARR system on 2010-12-16 14:47:59 ET

Serial Number: 73153152 Assignment Information Trademark Document Retrieval

Registration Number: 1137331

Mark (words only): TORO

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2001-01-30

Filing Date: 1977-12-23

Transformed into a National Application: No

Registration Date: 1980-07-01

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: 40S -Scanning On Demand

Date In Location: 2008-02-13

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

1. TORO COMPANY, THE

Address:

TORO COMPANY, THE
8111 LYNDALE AVENUE SOUTH
BLOOMINGTON, MN 55420
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

**EXHIBIT B to
Notice of Opposition
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Page 1 of 2**

GOODS AND/OR SERVICES

International Class: 007
Class Status: Active
VEGETATION CUTTING MACHINE AND PARTS THEREOF
Basis: 1(a)
First Use Date: 1977-02-16
First Use in Commerce Date: 1977-02-16

ADDITIONAL INFORMATION

Prior Registration Number(s):
529845
965082

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-02-13 - Case File In TICRS
2001-01-30 - First renewal 10 year
2001-01-30 - Section 8 (10-year) accepted/ Section 9 granted
2000-07-03 - Combined Section 8 (10-year)/Section 9 filed
1986-07-08 - Section 8 (6-year) accepted & Section 15 acknowledged
1986-03-31 - Section 8 (6-year) and Section 15 Filed

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
DONALD S TREVARTHEN

Correspondent
DONALD S TREVARTHEN
THE TORO COMPANY
8111 LYNDALE AVE.
MINNEAPOLIS, MINN. 55420

EXHIBIT B to
Notice of Opposition
Serial No. 77-255,909
Page 2 of 2

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

This page was generated by the TARR system on 2010-12-16 14:48:16 ET

Serial Number: 72414266 Assignment Information Trademark Document Retrieval

Registration Number: 961987

Mark (words only): TORO

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2003-09-29

Filing Date: 1972-02-01

Transformed into a National Application: No

Registration Date: 1973-06-26

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: 40S -Scanning On Demand

Date In Location: 2008-08-27

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

1. TORO COMPANY, THE

Address:

TORO COMPANY, THE
8111 LYNDALE AVENUE SOUTH
BLOOMINGTON, MN 55420
United States

Legal Entity Type: Corporation
State or Country of Incorporation: Delaware

**EXHIBIT C to
Notice of Opposition
Serial No. 77-255,909
Page 1 of 3**

GOODS AND/OR SERVICES

U.S. Class: 023 (International Class 007)

Class Status: Active

MACHINES FOR GRADING, LEVELING, SCARIFYING, SLICING, AERATING, SEEDING,
FERTILIZING, ROLLING, AND RAKING

Basis: 1(a)

First Use Date: 1971-05-00

First Use in Commerce Date: 1971-05-00

ADDITIONAL INFORMATION

Prior Registration Number(s):

529845

894142

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-08-27 - Case File In TICRS

2003-09-29 - Second renewal 10 year

2003-09-29 - Section 8 (10-year) accepted/ Section 9 granted

2003-06-25 - Combined Section 8 (10-year)/Section 9 filed

2003-06-25 - PAPER RECEIVED

1993-11-10 - First renewal 10 year

1993-09-21 - Section 9 filed/check record for Section 8

1993-09-21 - Section 9 filed/check record for Section 8

1993-09-09 - Section 9 filed/check record for Section 8

1979-10-04 - Section 8 (6-year) accepted & Section 15 acknowledged

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

DONALD S. TREVARTHEN

EXHIBIT C to

Notice of Opposition

Serial No. 77-255,909

Page 2 of 3

Correspondent

DONALD S. TREVARTHEN
C/O THE TORO COMPANY
8111 LYNDALE AVENUE SOUTH
BLOOMINGTON, MN 55420

**EXHIBIT C to
Notice of Opposition
Serial No. 77-255,909
Page 3 of 3**

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

This page was generated by the TARR system on 2010-12-16 14:48:30 ET

Serial Number: 75387168 Assignment Information Trademark Document Retrieval

Registration Number: 2336569

Mark (words only): TORO

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2010-07-09

Filing Date: 1997-11-10

Transformed into a National Application: No

Registration Date: 2000-03-28

Register: Principal

Law Office Assigned: LAW OFFICE 103

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: (NOT AVAILABLE)

Date In Location: 2010-07-09

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

1. Toro Company, The

Address:

Toro Company, The
Legal Department 8111 Lyndale Avenue South
Bloomington, MN 55420
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

**EXHIBIT D to
Notice of Opposition
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GOODS AND/OR SERVICES

⇒ **International Class: 035****Class Status:** Active

Providing on-line product information via a web site concerning outdoor landscape maintenance equipment, parts and supplies

No Filing Basis Claimed**First Use Date:** 1996-07-28**First Use in Commerce Date:** 1996-07-28

ADDITIONAL INFORMATION

Prior Registration Number(s):

529845
755846
769393
894142
944516
961987
1097952
1109798
1137331
1150168
1154592
1156106
1180886
1205656
1224513
1287819
1456174
1456175
1530931
1681922
1750030
2017726
2021069
2022145
2022147
2022219

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

**EXHIBIT D to
Notice of Opposition
Serial No. 77-255,909
Page 2 of 4**

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-07-09 - First renewal 10 year
2010-07-09 - Section 8 (10-year) accepted/ Section 9 granted
2010-07-08 - TEAS Section 8 & 9 Received
2006-06-07 - Section 8 (6-year) accepted & Section 15 acknowledged
2006-04-27 - Case File In TICRS
2006-03-10 - Section 8 (6-year) and Section 15 Filed
2006-03-10 - TEAS Section 8 & 15 Received
2000-03-28 - Registered - Principal Register
2000-01-21 - Allowed for Registration - Principal Register (SOU accepted)
2000-01-18 - Assigned To Examiner
2000-01-11 - Statement Of Use Processing Complete
1999-11-23 - Use Amendment Filed
1999-05-25 - NOA Mailed - SOU Required From Applicant
1999-03-02 - Published for opposition
1999-01-29 - Notice of publication
1998-12-05 - Approved For Pub - Principal Register
1998-11-02 - Communication received from applicant
1998-09-16 - Non-final action mailed
1998-08-27 - Assigned To Examiner
1998-08-11 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

R LAWRENCE BUCKLEY

Correspondent

R. Lawrence Buckley
The Toro Company
Legal Department
8111 Lyndale Avenue South

**EXHIBIT D to
Notice of Opposition
Serial No. 77-255,909
Page 3 of 4**

Bloomington, Minnesota 55420

**EXHIBIT D to
Notice of Opposition
Serial No. 77-255,909
Page 4 of 4**



*Richard Hedahl
Hedahl Landscape Construction & Design
Silverdale, Washington*

Toro® Dingo® Gets it Done

Compact Utility Loader

Think of how your company would look with 50 more employees. You could open a branch office, expand your service menu and multiply your sales. Then again, 50 employees creates a great deal of overhead. In today's marketplace, running lean – doing more work with fewer people – is a more profitable option for many small businesses.

Thankfully, for landscape contractors, Toro offers the best of both worlds with the Toro Dingo® compact utility loader (CUL). A mighty force in a small package, one Dingo unit can be fitted with more than 35 interchangeable attachments, helping you boost your bottom line without bulking up your workforce. And with Toro's reputation backing every machine, you don't have to worry about the Dingo loader's quality or durability. Its impressive performance grows with your company – and with a Dingo CUL in your equipment fleet, there's no telling how much you can grow.

YOUR WORKFORCE MULTIPLIED. Whether you're pulling out shrubs with the multipurpose attachment, clearing a sidewalk with the snowthrower or hauling away debris with one of the available buckets, the Dingo CUL can help you and your crews finish jobs more efficiently, effectively serving as that additional team member or two! More than one landscape contractor has already had this experience.

"We work a lot of jobs with just two-person crews, and the Dingo really acts as our third or fourth person," says Paul McCaslin, owner of Redbird Landscaping, Fenton, Mo. "There are jobs when we could be taking on a two-

day project, and we're able to finish it in one day with just two crew members and the Dingo. There's not a day that we don't use the Dingo for one project or another."

Bob Maffei agrees, noting that he's used a Dingo CUL on almost every job his company has completed during the last seven years. "Each crew in our construction department and seasonal services department, which handles heavy maintenance, carries a Dingo," says the owner of Maffei Landscape Contractors, Mashpee, Mass., adding that the company currently has 11 Dingo CULs in its fleet. "If we didn't have the Dingos, we'd have to put more people on the road, we'd have to invest in more training for all types of work, and we'd displace management that much more to handle all the additional people and overhead."

Currently, Maffei Landscape Contractors has a

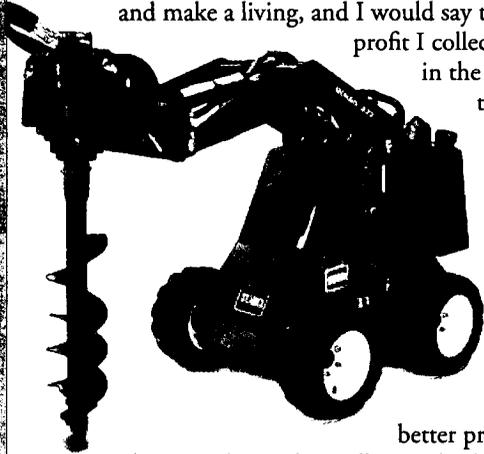
A Dingo loader can help you...

- Maximize manpower and minimize hand labor
- Finish jobs faster so you can take on more work
- Handle virtually any task, with versatile attachments
- Maneuver in tight spaces
- Go almost anywhere with a light footprint

Getting Attached

staff of 70, which Maffei says would be dramatically increased if they didn't have the Dingo loaders. "We would have to run four- or five-person crews to replace a three-person crew and a Dingo," he says. "The bottom line is that the Dingo was able to reduce our need for labor, which is a tremendous cost savings."

As a result of savings on labor and associated costs, Dingo equipment users can attribute their profitability to the machines and their unmatched utility. "I'm not the best businessperson, but there are a lot of contractors who have the same problem - we're good at the work, but not always at the business," says Richard Hedahl, owner of Hedahl Landscape Construction & Design, Silverdale, Wash. "I know that I have to mark-up my products and services to generate a profit and make a living, and I would say the mark-up and

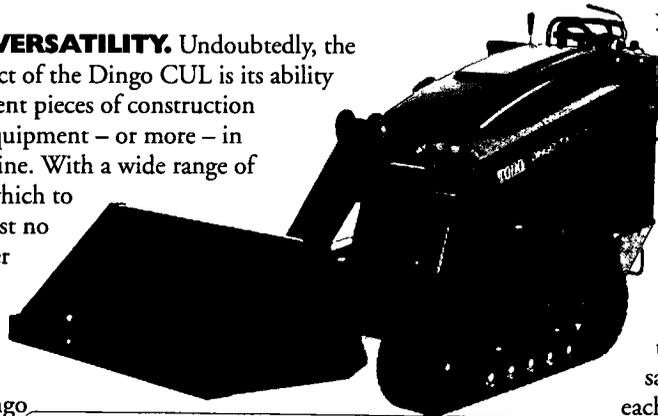


profit I collect is very much in the cost-savings of the Dingo. My overhead is high for having a small crew, but I demand the best equipment and the best employees and that costs more - but it also produces a

better product and happier clients that will come back and let us do more work for them."

Hedahl, who's been using Dingo CULs for four years, doesn't know what it would cost to do the work by hand anymore, but he's certain of the edge the machine gives him over his competitors. "Our typical jobs range from \$10,000 to \$15,000, but we've done award-winning projects that were as high as \$55,000, all of them with the Dingo," he says. "On jobs like that, I know I can be in and out of the project with two crew members and a Dingo in the same amount of time it would have taken another contractor with six crew members and no Dingos. The cost savings in labor, insurance, unemployment and downtime is, to me, the value of at least two or three crew members."

UNMATCHED VERSATILITY. Undoubtedly, the most attractive aspect of the Dingo CUL is its ability to serve as 35 different pieces of construction and maintenance equipment - or more - in one, compact machine. With a wide range of attachments from which to choose, there's almost no job the Dingo loader can't do. Moreover, its compact size means there's almost no property the Dingo CUL can't access.



**EXHIBIT E to
Notice of Opposition
Serial No. 77-255,909
Page 2 of 4**

Because labor is the single biggest expense landscape companies face, finding tools and equipment that heighten efficiency is essential. With more than 35 hardworking attachments that offer cost-effective alternatives to the jobs you and your crews are used to doing by hand, the Toro® Dingo® compact utility loader (CUL) is the one machine your company can't be without.

Designed specifically for the Dingo machine, Toro's full line of CUL attachments offers contractors a perfect fit plus superior performance. Since generic aftermarket attachments aren't matched to the capabilities of a Dingo, performance can be compromised. With these and other hardworking attachments, you can eliminate

D i n g o G e

"My client base is almost 100-percent residential, so we have tight, small, narrow areas to work in a lot of the time," Hedahl says. "Who wants to bring a mammoth skid-steer loader on the property when you only have 10 or 20 feet of space to move around in?" While he'll occasionally rent a skid steer for larger jobs if necessary, Hedahl says his Dingo CULs rarely need to be set aside for bigger machines. "There's so much you can use it for," he emphasizes. "We do irrigation, retaining walls, fences, arbors, gates, decks, plantings, lawn amendments, water features - the more attachments

you have and the speed with which you can change them out, the more versatile and efficient you can be in your own work."

Maffei agrees. "The attachments are a big deal - they're what really make the Dingo such an important piece of equipment that helps us with all different types of landscape needs," he says. "There's something that each of our departments can take advantage of. We have the construction

h e d

the need for shovels, rakes, wheelbarrows, axes, pry bars and other time-consuming tools...

Auger Power Head	Adjustable Forks	Trencher
Standard Bucket	Stump Grinder	Tree Forks
Snowthrower	Hydraulic Breaker	Backhoe
Rotary Broom	Power Box Rake	Leveler
Grading Rake	Vibratory Plow	Tiller
Bore Drive Head	Soil Cultivator	Cement Bowl

The purchase of one loader with multiple attachments can replace several dedicated pieces of equipment. This kind of flexibility can greatly reduce your overall fleet costs and trailer requirements. With the simple addition of rotary brooms, hydraulic blades or snow throwers, the Dingo CUL enables even small businesses to easily expand into year-round service offerings. And because attachments are quick and easy to change out – by simply turning two locking pins and connecting hydraulic lines – a Dingo machine maximizes productivity while remaining extremely efficient.

Maffei agrees that the machine's power is something to be reckoned with. "The Dingo can carry a 3- or 4-inch caliper tree back to the planting site and we can use the auger to dig the hole in no time," he says. "You could put three guys with shovels next to the Dingo and they wouldn't be able to match its digging power. This is an invaluable machine."

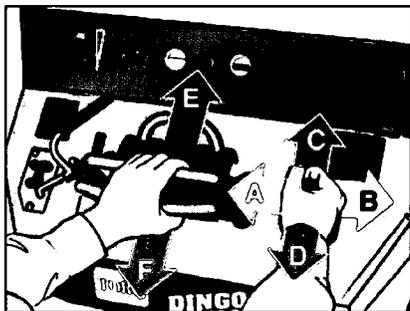
Not only is it powerful – it's easy to use. "People get nervous about operating a new piece of equipment, but the Dingo you can teach in five minutes, and within half-an-hour, a new employee is pretty proficient," McCaslin says. He uses the tracked version of the Dingo CUL, which operates with the patented TX Control System steering. Hedahl agrees that the tracked model's steering system is the way to go for contractors looking for ease of use.

"Most of the compact utility loaders on the market have a number of joysticks to operate the machines, but I find those difficult to use – I don't have enough fingers!" Hedahl says. "The controls on the tracked units are very easy to handle and they're easy for a new person to understand as well."

Additionally, Hedahl comments that Toro's stewardship of Dingo equipment has been exceptional. "Toro is always making improvements to their machines, and those changes are as a result of comments we've made to them about how the equipment operates," he says. "I've also really enjoyed working with our dealer – they're always helpful in getting us demos to try out or use if our machine is being repaired, and we can always get parts quickly if we need them."

Maffei, who opts for wheeled Dingo models in his fleet, agrees that the options available to Dingo CUL users – as well as the durability and strength of the machines on the whole – are a direct result of operators' interaction with Toro dealers and engineers. "The bottom line is that they've listened to us," Maffei says. "We own multiple pieces of Toro equipment, and we'll talk to the engineers about fixing or improving certain aspects. They really want to know what contractors need, and they've incorporated a lot of our suggestions into upgraded versions of their equipment. Not only that, but the Dingos have proven parts – from the engines to the hydraulics, everything is of a quality that you know will last. These machines are bulletproof."

t s i t D o n e



The Toro® Dingo® TX Control System operates with just three easy controls.

crews that will use the auger for planting or the leveler for carrying plants or sod around the site, our maintenance crews can use the buckets for debris removal, and even our snow operation can use the Dingo to clear walkways or use the power broom for parking lot sweeping or light snow removal."

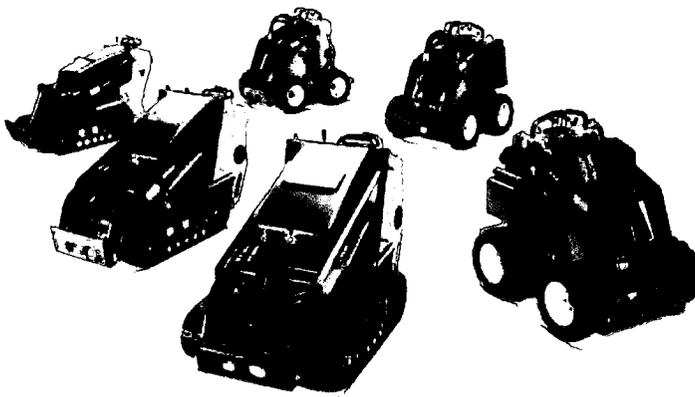
Not only is the Dingo CUL ideal for yard work, offering a light footprint that's safe for turf, it's also safe for the operator. Without a skid steer-style cage or lower-set vantage point to

hamper visibility, Dingo machine operators are able to see all around themselves at all times, which makes using the CUL safer for them and other crew members in their vicinity.

DINGO POWER, TORO PRIDE. So the Dingo CUL can go virtually anywhere and do anything a contractor asks of it – but at an operating capacity of 500 pounds and lifting capacity of 1,500 pounds, does it really stand up to its larger competition? Count on it.

"In terms of its size compared to its weight, the power of the machine is impressive," Hedahl says. "When we're building a waterfall or pond, we can use the Dingo to set huge boulders in place, but it's also light enough that we don't need a heavy-duty trailer to get it to the job. It's also a great help on multilevel retaining wall projects – we can drive the machine into a dump trailer, raise the trailer to the next level and just drive the Dingo right off and keep working."

TORO. Count on it.



Meet the Powerful Toro® Dingo® Family...

At Toro, innovative product development teams keep working to make the series of Dingo compact utility loaders better, stronger, and more versatile. Currently, the family includes six models, encompassing both wheeled and tracked units in walk-behind and ride-on designs. All offer incredible hydraulic power in a compact, maneuverable package:

What's Right for you... Wheels or Tracks?

Though similar in function and versatility, the wheeled and tracked models each offer their own advantages. The wheeled Dingo units (220, 323, and 320D) are ideally suited for hard surfaces and long-distance riding. Plus, their shorter wheel base creates a more compact design that helps them maneuver in tight spaces.

The tracked models (TX 413, TX 420, and TX 425) accommodate difficult turf conditions and terrains such as mud or sand. The patented TX Control System makes them easy to learn and operate, with only three controls.

"The choice of a wheeled vs. tracked model really comes down to personal preference," explains Greg Lawrence, product manager for the Toro Dingo® line. "Both models have their own advantages – it depends on who will be using the machine and how. Your best bet is to demo both machines to determine which one best suits your needs."

When paired with any of our more than 35 rugged Dingo attachments, either the tracked or wheeled models can tackle virtually any job, any time, anywhere.

Dingo 220 - Provides exceptional value for its economical price. This 41.5"-wide, ride-on, wheeled unit is packed with 3000 psi and 14.8 gpm of hydraulic power and a 20hp Kohler® gas engine.

Dingo 323 - Equipped with the Toro-designed 4-Paw, independent 4-wheel drive system and a 23hp Kohler engine, this 41.5"-wide, ride-on, wheeled unit offers incredible power and durability. Its two gas tanks provide expanded fuel capacity, plus a front cover prevents dirt from entering the engine.

Dingo 320D - This 41.5"-wide, ride-on, wheeled unit is powered by a 20hp, liquid cooled, Kubota® diesel engine. It includes the Toro-designed 4-Paw, independent 4-wheel drive system. This is an ideal choice for contractors who prefer diesel equipment.

Dingo TX 413 - This value-packed tracked unit offers a dedicated system trailer; our easy-to-use, patented TX Control System; and a 13 hp Honda® gas engine. Multiple attachment options make this 33.7"-wide machine a great choice for anyone buying their first compact utility loader.

Dingo TX 420 - The patented TX Control System on this tracked unit means it's simple to operate and easy to learn, with only three controls. With a 20hp Kohler gas engine in a 34.5" wide machine, it's perfect for maneuvering in tight spaces. Great for demolition applications.

Dingo TX 425 Wide Track - This 41.5"-wide model includes our most powerful gas engine, at 25hp, and the easy-to-use, patented TX Control System. Its Kevlar-reinforced wide track is 60% wider than the Dingo TX 420 to increase flotation and traction. A hydraulic system with 3000 psi and 16.7 gpm provides plenty of power to the versatile attachments.

CONTACT US to locate the dealer nearest you, or to receive your free demo video and brochure:

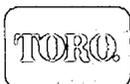
The Toro Company
Siteworks Systems
Bloomington, Minn.
800-DIG-TORO
(800-344-8676)

www.toro.com/Dingo



Toro offers innovative finance programs to meet your purchase needs. Visit Toro.com/Dingo and click on "Special Financing for Sitework Systems."

Products depicted in this advertisement are for demonstration purposes only. Actual products offered for sale may vary in design, required attachments, and safety features.



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Pipe

Series Overview

Toro® Funny Pipe® makes sprinkler system installation simple and easy.

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Rated to 120 PSI

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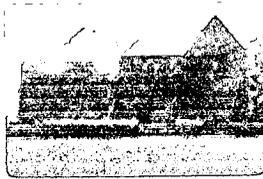
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From small decks to huge driveways, Toro has you covered.



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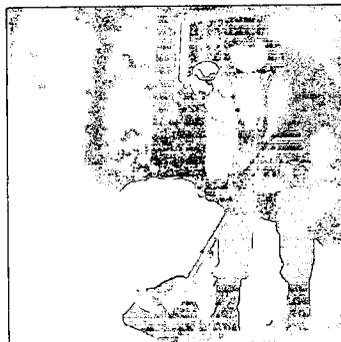
Electric Snowblower

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Where to Buy

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Electric Snowblowers



No Gas, No Oil

- Easy to handle design
- No Gas, No Oil
- Lightweight
- Eco-Friendly

Best used for...

Great for small jobs - decks, sidewalks even steps. Light weight, easy to use and store.

[View Electric Snowblowers](#)

Single Stage Snowblowers



Versatile Performance

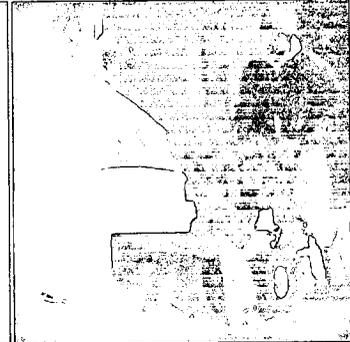
- Maneuverable
- Powerful gas engine
- Great throw distance
- Cleans down to the pavement

Best used for...

Strong enough for big snowfalls, yet light enough for anyone to handle. Great for small to medium driveways.

[View Single Stage Snowblowers](#)

Two Stage Snowblowers



Power to the Max!

- Powerful for deep, heavy snow
- Throw distance up to 45 feet
- Multiple speeds
- Widest clearing path

Best used for...

Don't mess around! Designed for big snowfalls and big driveways, yet easy to use.

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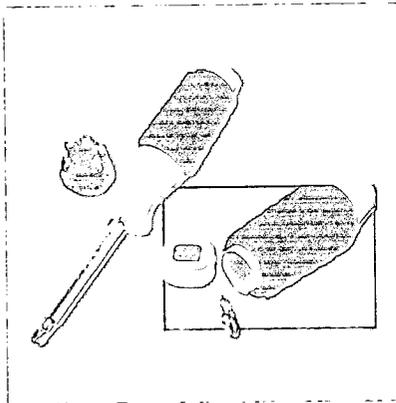
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6-in-1 Screwdriver



Product:
490-8136- 6-in-1 Screwdriver

Price : \$5.00

Qty: 1

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Product Details:

This versatile plastic screwdriver features six interchangeable bits to help you tackle any project. You can store the two flathead and four Phillips bits in the magnetized tray at the bottom of the driver OR in the compartment at the bottom of the handle. The magnetized tray holds the bits to keep within reach while working. The twist-open compartment offers convenient storage right inside the tool, so bits aren't misplaced. The light gray tool has a black rubber easy-grip handle and the Toro logo printed at the bottom.

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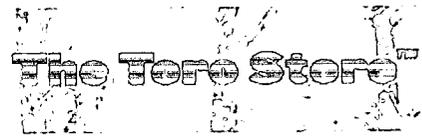
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DRI DUCK JACKET-TOBACCO



Product:
490-7562L- DRI DUCK JACKET-TOBACCO

Price : \$105.00

Qty: 1

Product Details:

This rugged work jacket is made of quarry washed canvas and features special heavy weight Sherpa lining. It has a corduroy collar, adjustable snap cuffs, chest zipper pocket and a bi-swing back. It is a Tobacco color with the Toro logo on the left chest. It's the perfect jacket for working outside during the Fall and early Winter and Spring months. Size large.

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All Work and No Play? No Way!

Toro Helps Make GCSAA Golf Championship a Success.

Every year, the big GCSAA get-together is a great combination of camaraderie, education and downright fun. One of the highlights is the Golf Championship. Toro has partnered with the GCSAA since 1995 to make the event possible.

With well over 700 golfers participating, this competition is the largest association sponsored amateur golf tournament in the world. This past February, the tournament was held for three days on seven different courses in and around San Antonio, Texas. The happy winner was Mitch B. Clodfelter, superintendent at the Cowans Ford Country Club in North Carolina.

"Many golf course superintendents today are outstanding golfers and many are championship-flight players," says Tommy D. Witt, President of the GCSAA and director of golf course management for the Cassique Golf Course at the Kiawah Island Club, South Carolina. "Hosting the tournament allows us to crown a national champion, which is a prestigious and coveted title."

Alan Pondel, CGCS, who is Head Superintendent at Rockford Country Club in Rockford, Illinois was in the championship flight, and finished tied for third place. "I look forward to it every year," Pondel says. "It's a considerable amount of work for Toro and the association and I think they do a very good job with it."

The tournament allows superintendents from across the country and around the world to come together and learn from each other. "When you're on a golf course for four or five hours, you talk about management practices and issues and challenges, and it's really an educational process," explains Witt.

Pondel agrees completely. "My four-somes on both days were people I hadn't golfed with before," he says. "It gave me time with them to talk about golf and business and our families."

Stephen Mona, CEO of the GCSAA, says, "The tournament is important to the players, and also the organization. Employers like the fact that superintendents play golf and understand the game, so this is a good way for us to reinforce that notion. I can't say enough about the effort Toro puts into it, and their low key approach."



The King and The Bear is one of the spectacular courses at the World Golf Village, which will be the site of next year's GCSAA Golf Championship in Florida.

The World Golf Village in 2002

Next year's tournament should be exceptional. The 2002 GCSAA Conference will be in February at the World Golf Village Renaissance Resort Hotel in St. Augustine, Florida. Often called "Golf's Ultimate Destination," World Golf Village is home to the World Golf Hall of Fame, the World Golf IMAX Theater, and some of the finest courses in the Southeast.

On February 4-5, the GCSAA Golf Championship will be played on six of those courses, including one with a unique place in history, The King & The Bear.

The King & The Bear has the incredible distinction of being the only course ever designed by Arnold Palmer and Jack Nicklaus. Between them, they have created over 500 different golf courses around the world, but this is their only collaboration.

The beautiful and challenging course measures 7,279 yards from the back tees as it winds through loblolly pines and 200-year-old oaks. However, the signature design element is water: placid lakes edged with large coquina rocks come into play on 16 of the 18 holes.

Nearby is another impressive championship course, "The Slammer & The Squire," named in honor of golf legends

Sam Snead and Gene Sarazen, who served as special consultants in the course's design. The Slammer & The Squire course has a gorgeous setting, carefully nestled into existing surroundings of native flatwoods, wetland preserves, and wildlife habitats.

With courses like these and others, in a venue such as the World Golf Village, you can imagine what a treat it will be to participate in next year's GCSAA Championship.

Start Planning . . . And Dreaming.

Next February sounds far off, but the 2002 GCSAA Conference and Golf Championship could be a once-in-a-lifetime experience, and it's never too soon to plan ahead.

If you have questions about the GCSAA Championship, please call 800. 472.7878, ext. 481, and ask for Kim Rice, the tournament administrator.

"Our members work hard all year providing conditions and amenities so their golfers can enjoy the game," Mona concludes. "This is the one chance each year we get to do that for our own members."



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Judson.McNeil@toro.com

Monique Smith
The First Tee
(904) 940-4314
msmith@thefirsttee.org

For Immediate Release

The Toro Company Signs Three-Year Partnership Extension with The First Tee

BLOOMINGTON, Minn. (November 17, 2010) – The Toro Company has extended its partnership with The First Tee as the official supplier of turf maintenance equipment and precision irrigation systems.

Toro continues its support of The First Tee by providing the organization's chapters and golf facilities with maintenance equipment and irrigation technologies through its discount program. Additionally, Toro partners with The First Tee and Walt Disney World Resort to host the "Future Leaders Forum," a three-day immersion in the sport, business and science of golf for 50 high school students from across the country. The 2011 "Future Leaders Forum" took place Nov. 11-14 at Walt Disney World in Orlando.

"We are grateful to The Toro Company for its consistent support of our organization," said Joe Louis Barrow, Jr., chief executive of The First Tee. "Toro has been a valued partner since 1998 and we look forward to continuing this relationship. It is because of the support of organizations like this that we have been able to impact the lives of more than 4 million young people in such a short period of time."

As a part of its donation program, Toro donated a new Toro® Z Master® G3 commercial riding mower to The First Tee of Omaha last week. The equipment will be used to maintain the Chapter's learning facility at the par-3 Steve Hogan Golf Course, a 13-acre property managed and operated by The First Tee of Omaha. This is the seventh year Toro has donated equipment, valued at more than \$20,000 per year, to deserving Chapters of The First Tee.

"Toro is very proud to further its support of The First Tee," said Mike Hoffman, chairman and CEO of The Toro Company. "We are fortunate to have partnered with such a great organization that has truly impacted millions of young people and improved access to the game of golf. We want golfers of all ages to have high-quality playing experiences and will continue to provide these facilities with the products and services they need to maintain course conditions."

About The Toro Company

The Toro Company (NYSE: TTC) is a leading worldwide provider of turf and landscape maintenance equipment, and precision irrigation systems. With sales of more than \$1.5 billion in fiscal 2009, Toro's global presence extends to more than 80 countries through its reputation of world-class service, innovation and turf expertise. Since 1914, the company has built a tradition of excellence around a number of strong brands to help customers care for

-more-

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golf courses, sports fields, public green spaces, commercial and residential properties, and agricultural fields. More information is available at www.toro.com.

About The First Tee

The First Tee (www.thefirsttee.org), a 501(c)(3) nonprofit youth development organization whose mission is to impact the lives of young people by providing learning facilities and educational programs that promote character development and life-enhancing values through the game of golf. With its home office at World Golf Village in St. Augustine, Fla., The First Tee reaches young people on golf courses, in schools and on military installations.

Since its inception in 1997, The First Tee has introduced the game of golf and its values to more than 4 million participants in all 50 United States and four international locations. The First Tee is an initiative of the World Golf Foundation and its Founding Partners are LPGA, the Masters Tournament, PGA of America, PGA TOUR and the USGA. Former President George H. W. Bush serves as honorary chairman.

As Founding Corporate Partner of The First Tee, Shell Oil Company has provided financial resources to support the development of this charitable youth initiative aimed at promoting character development and life-enhancing values through the game of golf. Shell's initial contribution has led the way for other individuals, corporations and organizations to provide ongoing financial and promotional support to The First Tee and its Chapters.