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

Proceeding	91200832
Party	Plaintiff Briggs & Stratton Corporation and Kohler Co.
Correspondence Address	ROBERT N PHILLIPS REED SMITH LLP 101 SECOND ST, STE 1800 SAN FRANCISCO, CA 94105 UNITED STATES ipdocket-chi@reedsmith.com, nborders@reedsmith.com, robphillips@reedsmith.com, knowakowski@whdlaw.com, dkalahahele@rddsmith.com, ebridge@whdlaw.com, mgi
Submission	Other Motions/Papers
Filer's Name	Robert N. Phillips
Filer's e-mail	robphillips@reedsmith.com, sherring@reedsmith.com, dkalahele@reedsmith.com
Signature	/s/ Robert N. Phillips
Date	07/15/2015
Attachments	Stipulation to Submit Third Party Affidavits Out of Time.pdf(13673 bytes)

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

BRIGGS & STRATTON CORPORATION)	
)	
Opposer,)	Opposition No. 91200832 (Parent)
vs.)	
)	
HONDA GIKEN KOGYO KABUSHIKI KAISHA,)	
)	
Applicant.)	
)	
)	
KOHLER CO.)	
)	
Opposer,)	Opposition No. 91200146
vs.)	
)	
HONDA GIKEN KOGYO KABUSHIKI KAISHA,)	
)	
Applicant.)	
)	

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

STIPULATION TO SUBMIT THIRD PARTY AFFIDAVITS OUT OF TIME

Opposers Briggs & Stratton Corporation (“Briggs”) and Kohler Co. (“Kohler”) (collectively, “Opposers”) and Applicant Honda Giken Kogyo Kabushiki Kaisha (“Honda”) (collectively, “Parties”), by and through their respective counsel of record, hereby stipulate and agree as follows:

1. On March 17, 2015, the Parties submitted a Joint Motion to Modify the Case Schedule. Dkt. No. 108. The Joint Motion requested that Opposers’ trial period end July 16, 2015.

2. On March 27, 2015, the Board granted the Parties' Joint Motion and set the case schedule in accordance with the dates set forth in the Motion, including the July 16, 2015 end date for Opposers' trial period. Dkt. No. 109.

3. Opposers wish to submit affidavits to the Board for entry in the trial record from four third parties – Subaru Industrial Power Products, Generac Power Systems, Inc., EquipSource, LLC, and Jiangdong North America Corp/All Power USA (“Affiants”) – regarding and attaching certain documents related to the sale of certain engines, thereby obviating the need for third party depositions.

4. The Parties have not yet reached final agreement regarding this method of submission.

5. In order to continue their negotiations regarding the proposed affidavits and documents attached thereto, and to ensure enough time to coordinate with the Affiants themselves, the Parties have agreed to extend Opposers' time for submitting the Affiants' affidavits to the Board and/or for seeking to resolve with the Board any disputes that may arise related to the affidavits to July 29, 2015.

BASED UPON THE FOREGOING, IT IS HEREBY STIPULATED that Opposers may have until July 29, 2015 to submit the affidavits from the above-identified Affiants and any exhibits thereto to the Board for addition to the trial record, and/or to seek to resolve with the Board any disputes that may arise related to the affidavits. The Parties have not agreed to extend Opposers' trial period for any other purpose.

Dated: July 15, 2015

By: /s/ Robert N. Phillips
Robert N. Phillips

Seth B. Herring
Reed Smith LLP
101 Second Street
San Francisco, CA 94105

Attorneys for Opposer Briggs & Stratton
Corporation

Dated: July 15, 2015

By: /s/ Kenneth Nowakowski

Kenneth Nowakowski
Elizabeth Townsend Bridge
Melinda Giftos
Whyte Hirschboeck Dudek S.C.
535 East Wells Street, Suite 1900
Milwaukee, WI 53202

Attorneys for Opposer Kohler Co.

Dated: July 15, 2015

By: /s/ Sarah R. Frazier

Vinita Ferrera
John Regan
Carrie Seares
Sarah R. Frazier
Shira C. Hoffman
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, MA 02109-1800

Attorneys for Applicant

IT IS SO ORDERED.

Dated: _____, 2015

Cheryl S. Goodman
Interlocutory Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing STIPULATION TO SUBMIT THIRD PARTY AFFIDAVITS OUT OF TIME was served via first class mail, postage prepaid, this 15th day of July, 2015 upon:

Vinita Ferrera, Esq.
John Regan, Esq.
Carrie Seares, Esq.
Sarah R. Frazier, Esq.
Shira C. Hoffman, Esq.
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, Massachusetts 02109-1800
Phone: (617) 526-6448
Fax: (617) 526-5000

Ken Nowakowski, Esq.
Whyte Hirschboeck Dudek S.C.
555 E. Wells Street, Suite 1900
Milwaukee, Wisconsin 53202
Phone: (414) 273-2100
Fax: (414) 223-5000

/s/ Deborah Kalahale

Deborah Kalahale