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Filing date: **07/15/2015**

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, robphil- lips@reedsmith.com, knowakowski@whdlaw.com, dkalahale@rddsmith.com, ebridge@whdlaw.com, mgi
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Signature	/Kenneth R. Nowakowski/
Date	07/15/2015
Attachments	O4NOR (Public Version).PDF(1980097 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

**OPPOSERS’ FOURTH NOTICE OF RELIANCE**  
**(REDACTED – PUBLIC VERSION)**

Pursuant to 37 C.F.R. §§ 2.120 and 2.122 and TBMP § 704.09, Opposers Briggs & Stratton Corporation (“Briggs”) and Kohler Co. (“Kohler”) (collectively, “Opposers”), by and through their attorneys, hereby submit their Fourth Notice of Reliance. Opposers’ Fourth Notice of Reliance includes the following attached materials:

1. The February 26, 2014, Deposition of John Lally, American Honda Motor Co.’s manager of advertising and e-commerce, pursuant to the Parties’ July 15, 2015 stipulation, included as **Exhibit K** (filed under seal);

2. Portions of Exhibit 66 of the February 26, 2014 Deposition of John Lally, included as **Exhibit K-1**;
3. Exhibit 67 of the February 26, 2014 Deposition of John Lally, included as **Exhibit K-2**;
4. Exhibit 68 of the February 26, 2014 Deposition of John Lally, included as **Exhibit K-3**;
5. Exhibit 69 of the February 26, 2014 Deposition of John Lally, included as **Exhibit K-4** (filed under seal);
6. Exhibit 70 of the February 26, 2014 Deposition of John Lally, included as **Exhibit K-5** (filed under seal);
7. Exhibit 71 of the February 26, 2014 Deposition of John Lally, included as **Exhibit K-6** (filed under seal);
8. Exhibit 72 of the February 26, 2014 Deposition of John Lally, included as **Exhibit K-7**;
9. Exhibit 73 of the February 26, 2014 Deposition of John Lally, included as **Exhibit K-8** (filed under seal);
10. Exhibit 74 of the February 26, 2014 Deposition of John Lally, included as **Exhibit K-9** (filed under seal);
11. Exhibit 75 of the February 26, 2014 Deposition of John Lally, included as **Exhibit K-10** (filed under seal);
12. Exhibit 76 of the February 26, 2014 Deposition of John Lally, included as **Exhibit K-11**.

The attached exhibits are marked with sequential page numbers in the upper right corner in the form of [Exhibit Letter – Page Number]. For example, the first page of Exhibit K is “K-1” and so forth. Where the upper right corner of a document does not allow for such marking, page numbers will be located along the right hand margin of the document. For briefing purposes, material within this Notice of Reliance will be identified as “O4NOR” (an acronym for Opposers’ Fourth Notice of Reliance). For example, a reference to the first page of Exhibit K in the trial brief would be O4NOR K-1.

Opposers intend to rely upon and hereby make of record the attached exhibits. Certain of the attached exhibits contain information that Applicant considers confidential pursuant to the Stipulated Protective Order entered into by the parties and approved by the Board. Accordingly, Opposers are simultaneously filing and serving an unredacted copy. Redactions are based on input from Applicant, and are not necessarily considered worthy of redaction by Opposers.

Respectfully Submitted,

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.

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing OPPOSERS' FOURTH NOTICE OF RELIANCE (Redacted – Public Version) was served via first class mail, postage prepaid, this 15th day of July, 2015 upon:

Vinita Ferrera, Esq.  
John Regan, Esq.  
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Robert N. Phillips  
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101 Second Street  
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*/s/ Peter F. Sewell* \_\_\_\_\_

Peter F. Sewell

**PAGES K-1 to K-158**

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**ATTORNEYS' EYES ONLY**

**EXHIBIT**

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tabbies®  
**PLAINTIFF'S  
EXHIBIT**  
*67*



# RENTAL Management

The Official Magazine of the American Rental Association

FOR IMMEDIATE RELEASE,  
Feb. 6, 1994

CONTACT: Fred Anderson  
(800) 334-2177

RENTAL MANAGEMENT, the official magazine of the American Rental Association, presented Readers' Choice awards to 32 product manufacturers during the A.R.A.'s 38th Annual Convention and Rental Trade Show, Feb. 6-9, 1994, in Miami Beach, Fla. The honored companies supply the rental industry's favorite products in a total of 41 categories.

Readers' Choice winners were determined by an unaided brand preference survey of readers conducted during 1993 by Readex Mail Survey Research, St. Paul, Minn., an independent survey firm. The survey was sent to 650 randomly selected readers, with a 61 percent response rate.

In the survey, for each category readers were asked to write in the name of their favorite brand. No manufacturers' names were listed. Readers' Choice winners were declared only in those product categories where there was a statistically significant difference between the winner and other brands named.

This is the second year RENTAL MANAGEMENT has named Readers' Choice manufacturers based on independent research of the magazine's readers. Some product categories appeared in both surveys; an asterisk (\*) denotes a Readers' Choice winner in both the 1993 and 1992 surveys.

Three manufacturers were the Readers' Choices in three product categories each:

- BlueBird International - Dethatchers\*, power rakes and hoists\*.
- Stihl - Chain saws\*, trimmers\* and cut-off saws\*.
- Wacker Corp. - Compactors\*, vibratory plates\* and rammers\*.

Three additional manufacturers each had two products on the Readers' Choice list:

- American Honda Motor Co., Engine Division - Lawn mowers\* and small engines\*.
- Bosch Power Tool Corp., Division of S-B Power Tool Co. - Power hand tools\* and electric hammer/breakers\*.
- Melroe Co./Bobcat - Front-end loaders and skid-steer loaders\*.

- more -

AHPB 283735

1900-19th St. Moline, Ill. 61265  
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AHGX 0033265

RENTAL MANAGEMENT  
READERS' CHOICE AWARDS  
Page 2

These manufacturers all were recognized with one Readers' Choice award:

- Bil-Jax - Scaffolding\*.
- Bomag (USA) - Vibratory rollers.
- Brunner and Lay - Airtool steel.
- J I Case Co. - Backhoes\*.
- Clarke Industries - Floor-care equipment\*.
- Ditch Witch/Charles Machine Works - Trenchers\*.
- Ford Motor Co.- Pickup trucks.
- General Wire Spring Co. - Drain- and sewer-cleaning equipment\*.
- Genie Industries - Material lifts\*.
- Georgia Rubber and Supply - Hoses\*.
- Gold Medal Products Co. - Popcorn machines.
- Homer Laughlin China Co. - China\*.
- Jomar Table Linen - Linens\*.
- The Lincoln Electric Co. - Welders\*.
- Master/Desa Industries - Heaters\*.
- Oneida - Silverware, flatware and hollowware\*.
- Palmer/Snyder Furniture Co. - Tables\*.
- Pontrelli Fountain Co. - Beverage fountains\*.
- Rand Equipment Division of Ingersoll-Rand Co.- Compressors\*.
- Rice Hydro Equipment Manufacturing - Hydrostatic testing equipment.
- Samsonite Contract Furniture - Chairs\*.
- Stone Construction Equipment - Concrete mixers\*.
- Target Products - Masonry saws\*.
- Terramite Corp. - Compact backhoes.
- Vermeer Manufacturing - Chippers\*.
- Virginia Abrasives Corp.- Abrasives\*.

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# RENTAL Management

The Official Magazine of the American Rental Association

April 19, 1993

American Honda Motor Co.  
Attn: Bob Clum  
P.O. Box 10020  
4475 River Green Pkwy  
Ste. A.  
Duluth, GA 30136

Dear Ken:

Last fall RENTAL MANAGEMENT asked our readers -- through the impartial polling organization Readex Mail Survey Research, St. Paul, Minn. -- to name their favorite brand of a number of types of equipment found in the inventory of many rental companies.

Congratulations! American Honda Motor Company was the RENTAL MANAGEMENT Readers' Choice -- the most-mentioned brand -- among manufacturers of Generators.

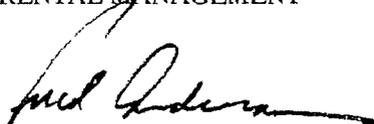
To be recognized as the most-mentioned brand name in a product category in the rental industry is a singular achievement. This portion of the survey involved unaided recall of brand name. Survey respondents were asked only, "For each of the following types of equipment, what ONE brand is your favorite?" And then they were given a list of equipment categories. No manufacturers' names were listed to prompt their responses.

While your company's brand name was mentioned most often, the answers to an unaided brand preference test represent the preferences of only those who responded to the question, not necessarily all readers. Compared to responses to the entire survey, a smaller percentage of respondents take the time to write in a manufacturer's name.

Again, congratulations on your achievement. A representative of the magazine will be in contact with you to present an award in recognition of your company's achievement.

Sincerely,

RENTAL MANAGEMENT



Frederick I. Anderson, APR  
Publisher

AHPB 283737

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AHGX 0033267

# RENTAL Management

The Official Magazine of the American Rental Association

December 8, 1993

John Lally  
American Honda Motor Co.  
4475 River Green Parkway, Suite A  
Duluth, GA 30136-2565

Dear John:

A few months ago, *RENTAL MANAGEMENT* asked our readers -- through the impartial polling organization Readex Mail Survey Research, St. Paul, Minn. -- to name their favorite brand of a number of types of equipment found in the inventory of many rental companies.

Congratulations! American Honda Motor Co. was the *RENTAL MANAGEMENT* Readers' Choice -- the most-mentioned brand -- among manufacturers of small engines.

To be recognized as the Readers' Choice in a product category in the rental industry is a singular achievement. This survey involved unaided recall of brand name. Survey respondents were asked only, "For each of the following types of equipment, what ONE brand is your favorite?" And then they were given a list of equipment categories. No manufacturers' names were listed to prompt their responses.

Your company's brand name was mentioned most often, and there was a statistically significant difference between your firm's score and its next nearest competitor. Even so, the answers to an unaided brand preference test represent the preferences of those who responded to the question, not necessarily all readers.

To mark your company's achievement, you are invited to stop by the *RENTAL MANAGEMENT* exhibit booth, No. 2068, on Sunday, February 6, for a few minutes between 8:30 and 9:30 a.m. to receive your award plaque and have a photo taken. It will only take a few moments, and you'll have your plaque to display throughout the A.R.A. Rental Trade Show.

Once again, congratulations!

Sincerely,

*RENTAL MANAGEMENT*

  
Frederick I. Anderson, APR  
Publisher

P.S.: HOPE TO SEE YOU THE MORNING OF FEB. 6 in booth 2068.

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# RENTAL Management

The Official Magazine of the American Rental Association

March 18, 1993

American Honda Motor Co.  
Attn: Mr. John Lally  
P.O. Box 10020  
4475 River Green Pkwy.  
Ste. A  
Duluth, GA 30136

Dear John:

Last fall RENTAL MANAGEMENT asked our readers -- through the impartial polling organization Readex Mail Survey Research, St. Paul, Minn. -- to name their favorite brand of a number of types of equipment found in the inventory of many rental companies.

Congratulations! American Honda Motor Co. was the RENTAL MANAGEMENT Readers' Choice -- the most-mentioned brand -- among manufacturers of small engines and generators.

To be recognized as the most-mentioned brand name in a product category in the rental industry is a singular achievement. This portion of the survey involved unaided recall of brand name. Survey respondents were asked only, "For each of the following types of equipment, what ONE brand is your favorite?" And then they were given a list of equipment categories. No manufacturers' names were listed to prompt their responses.

While your company's brand name was mentioned most often, the answers to an unaided brand preference test represent the preferences of only those who responded to the question, not necessarily all readers. Compared to responses to the entire survey, a smaller percentage of respondents take the time to write in a manufacturer's name.

Again, congratulations on your achievement. A representative of the magazine will be in contact with you to present an award in recognition of your company's achievement.

Sincerely,

RENTAL MANAGEMENT



Frederick I. Anderson, APR  
Publisher

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AHGX 0033269

# RENTAL Management

READERS' CHOICE

**AMERICAN HONDA  
MOTOR CO.  
ENGINE DIVISION**

favorite supplier of  
**Small Engines**

Based on an unaided brand preference test within  
the *RENTAL MANAGEMENT* Reader Profile Survey  
conducted by Readex Mail Survey Research, 1992.



american rental association

AHPB 283740

AHGX 0033270

# RENTAL Management

READERS' CHOICE

**AMERICAN HONDA**

favorite supplier of

**Generators**

Based on an unaided brand preference test within  
the *RENTAL MANAGEMENT* Reader Profile Survey  
conducted by Readex Mail Survey Research, 1992.



american rental association

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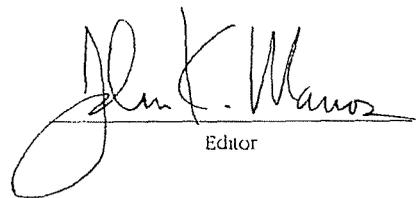
# IN RECOGNITION OF EXCELLENCE

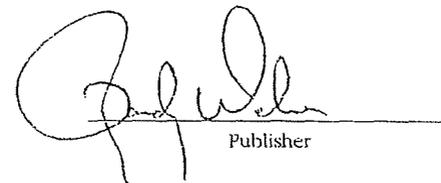


Presented to  
**AMERICAN HONDA MOTOR CO.  
POWER EQUIPMENT DIVISION**

in recognition of excellent value in the marketplace as determined  
by the editors of Consumers Digest Magazine

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Editor

  
Publisher

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AHGX 0033272

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K-3-9

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Engines

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APE7005V  
5 HP 173cc  
Vertical Gasoline Engine



APE7007  
208cc  
Gasoline Engine



APE7009  
201cc  
Gasoline Engine



APE7013E  
325cc Horizontal  
Gasoline Engine  
With Electric Start



APE7015  
420cc L Type  
Gasoline Engine  
With Electric Start



APE7210N  
10 HP 418cc  
Single Cylinder Air  
Cooled Diesel Engine



APE7008SE  
302cc Snow Blower  
Engine With Electric Start



APE7013SE  
420cc Snow Blower  
Engine With Electric Start

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  - Engines



**New Products**



**APC4010**  
10 Gallon  
Portable Air  
Compressor



**APT2100**  
10" Car Polisher  
Power Tool



**APG3108**  
6000 Watt Generator  
Digital Inverter



**APG3203**  
7000 Watt Diesel  
Generator  
With Electric Start  
& Digital Display



**APW5021**  
1800 PSI Electric Washer  
Automatic Soap Dispenser



**APW5022**  
2000 PSI Electric Washer  
Hose Reel Equipped



**APP6020**  
5.5 HP 2 Inch  
Water Pump



**APT1105**  
12 Volt  
Portable Compressor



**APC4505**  
5 Gallon  
Air Tank

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## Contact us

### Address

All-Power America LLC.  
13980 Mountain Ave.  
Chino, CA 91710

### Office

888 988 2299  
626-855-0840  
626-855-0340 Fax

### Sales

[sales@allpoweramerica.com](mailto:sales@allpoweramerica.com)

[www.allpoweramerica.com](http://www.allpoweramerica.com)

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Pressure Washers

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APW5005  
1600 PSI Electric  
Pressure Washer



APW5004  
1800 PSI Electric Washer  
Automatic Soap Dispenser



APW5021  
1800 PSI Electric Washer  
Automatic Soap Dispenser



APW5006  
2000 PSI Electric Washer  
Hose Reel Equipped



APW5022  
2000 PSI Electric Washer  
Hose Reel Equipped



APW5117  
2400 PSI Gasoline  
Pressure Washer



APW5102  
3000 PSI Gasoline  
Pressure Washer



APW5118  
3200 PSI Gasoline  
Pressure Washer



APW5125  
2500 PSI Gasoline  
Vertical Shaft Engine



APW5126  
3000 PSI Gasoline  
Vertical Shaft Engine

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## About us

All-Power America is a power tool and power equipment manufacturer with production facilities in the vicinity of Shanghai, China and offices in Chino, CA. We started marketing products in North America in early 2005. Major categories include power equipment (air compressors, generators, digital generators, electric pressure washers, and gas pressure washers) and power tools (a wide variety of cordless drills, saws, sanders, grinders, rotary tools, and screwdrivers; electric saws, grinders, sanders, drills, rotary tools, and heat guns). Additional categories include AC and DC powered home/shop appliances such as vacuums and mini-refrigerators. The product categories expand continuously to meet the needs and requests of our customers so that each individual product is current and the category is complete. Our dedicated and skilled engineers provide the technical expertise to ensure that we produce efficient, economical, and durable products for each application.



Eighteen percent of our employee roster is engineers and engineering services, who design, test, and manufacture to stringent quality control standards from the raw materials to the finished product. All-Power America's electrical products bearing the symbols of Underwriters Laboratories, Inc. (UL) or Canadian Standards Association (CSA) are listed by their testing laboratories as having complied with their standards. Our gasoline powered products, as well as our future diesel powered products, meet EPA (Environmental Protection Agency) or C.A.R.B. (California Air Resource Board) requirements.

All-Power America's power equipment product line is covered by an expansive service center network available throughout the continental US and Canada. Our service centers and repair facilities currently number in excess of 21,000 and will repair the products both during the manufacturer's warranty as well as after the warranty has expired. Our service centers will keep our products operating in top condition for years of reliable service.



The globally recognized quality system standard was prepared by the International Standardization Organization (ISO), and All-Power America is committed to the ISO Quality of Standards. All-Power America's manufacturing facilities are certified to meet ISO 9001 standards.



All-Power America enjoys and respects the customer loyalty and relationships that we have developed, and we continually strive to build and solidify associations to achieve the goals of mutual success with our customers. Our management, sales, customer service, and sales support teams are completely dedicated to customer satisfaction, long-term relationships, and providing the most complete and professional service possible. Our customers come first and foremost, and each and every person at All-Power America will stop at nothing short of meeting all needs and requirements of our business partners.

### TRADE ASSOCIATIONS:

All-Power America is a member of:

1. AAIA
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APE7007  
208cc Gasoline Engine



APE7009  
291cc Gasoline Engine



APE7013E  
389cc Horizontal  
Gasoline Engine With Electric Start



APE7015  
420cc L Type  
Gasoline Engine  
With Electric Start

**PAGES K-8-1 to K-8-16**

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### News Releases 2013

Full Story

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Power Products August 6, 2013

#### Honda Develops All-new General Purpose Engines for Emerging Markets

-Equipped on Water Pumps and Other Honda Power Products-

CHONGQING, China, August 6, 2013 - Honda announced today that it has newly developed two models of GP 4-stroke general purpose engines targeting the low-priced light-duty engine markets, which hold a large share in the general purpose engine market in emerging countries. Honda will start production of the new engines, the GP160H and GP200H,\*<sup>1</sup> at Jialing-Honda Motors Co., Ltd.\*<sup>2</sup> (Chongqing, China; President: Masato Saito) Honda's production and sales base for power products in China. Honda will also launch a water pump equipped with these new engines this autumn in China and other emerging countries, centering on Asia. Jialing-Honda Motors also announced today the release of a water pump equipped with the GP engine at the ceremony to commemorate its 20th anniversary and the cumulative production of 5 million power product units.

#### Honda Top News >>

Marquez and Honda Make History at Valencia

Honda Racing Corporation Unveils RCV1000R for 2014

Honda Hosts Open House at Yorii Plant

Sekisui House, Toshiba and Honda Announce Overview of Joint Exhibition for the SMART MOBILITY CITY 2013

Rea Raring to Go for 2014

News Archive

#### Videos >>

New CRF450 RALLY (02:00)





GP160H



WL30XH water pump

Honda's general purpose engines feature outstanding reliability, excellent quality, and a compact design that ensures compatibility with a wide range of installations. While inheriting these characteristics, the GP engines were developed for installation on products such as water pumps and generators used especially in emerging countries, where these products are commonly used for relatively short continuous operating times with light workloads. By equipping the GP engines on water pumps, which enjoy high demand as indispensable agricultural equipment in these countries, Honda aims to increase sales in the inexpensive, light-duty products markets in the emerging countries, an area dominated by Chinese manufacturers.

These GP series engines are the first general purpose engines developed by Honda specifically for emerging countries. With this launch, Honda aims to further increase sales of light-duty engines, which account for the bulk of 4-stroke general purpose gasoline engine sales in emerging markets (approximately 9.7 million units<sup>\*3</sup>), thereby "helping people get things done," a vision of its power products business ever since its founding.

Honda's general-purpose engine lineup includes the following: Medium- to large-sized GX series engines, endorsed in a wide range of industries as world-standard power units for professional use on small construction equipment and agricultural machinery; the Mini 4-stroke series engines for hand-held equipment such as trimmers; and the GC series engines for home use mainly in Europe and North America.

\*1



Safety for Everyone  
Demonstration Video  
(04:38)



Casey Stoner  
MotoGP Machine test  
in TWIN RING  
MOTEGI (02:14)



Mobilio Prototype  
Promotional Video  
(02:16)



Civic Type R at  
Nurburgring (01:30)



Honda Update  
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GP160H (displacement: 163 cm<sup>3</sup>; maximum power: 3.6 kW); GP200H (displacement: 196 cm<sup>3</sup>, maximum power: 4.1 kW)

\*2 Production items include general purpose engines, water pumps, lawnmowers and tillers.

\*3 Based on a Honda 2011 survey

### ● Unit sales target

(Annual total for China sales and exports, including engines installed on final products)

**200,000 units**

### ● Key features of GP engines

#### [ Specifications suitable for light-duty use ]

- Fits optimal use conditions for the water pumps and generators in emerging countries (Light load output: below rated load; Operating temperature: -5 to 40°C)

#### [ Environmental performance ]

- Complies with emission regulations in China

#### [ Styling design ]

- A black plastic recoil cover with a white fuel tank and fan cover brings out the character of a light-duty engine

### ● Specifications of the New Honda GP Engine

Engine	GP160H	GP200H
Engine type	Air-cooled 4-stroke single-cylinder gasoline engine (OHV)	

<b>Number of cylinders / bore×stroke (mm)</b>	1/68.0×45.0	1/68.0×54.0
<b>Displacement (cm<sup>3</sup>)</b>	163	196
<b>Compression ratio</b>	8.5:1	8.5:1
<b>Maximum power (kW/rpm)*</b>	3.6/3,600	4.1/3,600
<b>Maximum torque (N·m/rpm)*</b>	10.3/2,500	12.4/2,500
<b>Continuous rated output (kW/rpm)</b>	2.9/3,600	3.7/3,600
<b>Fuel consumption (L/h) (at continuous rated output)</b>	1.4	1.7
<b>Fuel</b>	Unleaded gasoline for automobiles	
<b>Fuel tank capacity (L)</b>	3.1	
<b>Ignition system</b>	Transistor magneto	
<b>Governor system</b>	Mechanical	
<b>Air cleaner</b>	Semi-dry, dual element	
<b>Lubrication system</b>	Forced spray	
<b>Oil capacity (L)</b>	0.58	0.6
<b>Overall length (mm)</b>	306	315
<b>Overall width (mm)</b>	363	378
<b>Overall height (mm)</b>	335	335
<b>Dry weight (kg)</b>	15.0	16.0
<b>Starting system</b>	Recoil starter	

- \* The power ratings of the engines indicated in the table are the net power output tested on a production engine model and measured in accordance with SAE J1349 at 3,600 rpm (maximum output) and 2,500 rpm (maximum torque). Mass production engines may vary from these values. Actual power output for the engine installed in the final product will vary depending on numerous factors including the engine speed in application, environmental conditions, maintenance and other variables.



Honda's power products business will celebrate its 60th anniversary in October 2013.

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