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

Proceeding	91200832
Party	Defendant Honda Giken Kogyo Kabushiki Kaisha (Honda Motor Co., Ltd.)
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Date	06/19/2012
Attachments	REDACTED_Honda's Opposition to Opposers' Motion for Leave to File Amended Notices of Opposition.pdf (14 pages)(550481 bytes) Pearce Declaration.pdf (2 pages)(170315 bytes) Frazier Declaration_Redacted.pdf (3 pages)(50131 bytes) Exhibit A.pdf (8 pages)(402531 bytes) Exhibit B.pdf (11 pages)(366994 bytes) Exhibit C.pdf (3 pages)(141901 bytes) Exhibit D.pdf (4 pages)(90164 bytes) Exhibit E.pdf (3 pages)(75060 bytes) Exhibit F.pdf (17 pages)(728703 bytes) Exhibit G.pdf (39 pages)(4538835 bytes) Exhibit H.pdf (61 pages)(11308695 bytes) Exhibit I.pdf (7 pages)(139900 bytes) Exhibit J.pdf (5 pages)(452474 bytes) Exh K Redacted.pdf (1 page)(5929 bytes) Exh L Redacted.pdf (1 page)(5929 bytes) Exh M Redacted.pdf (1 page)(5929 bytes)

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

BRIGGS & STRATTON CORPORATION)	
and KOHLER CO.,)	
)	
Opposers,)	
)	Opposition No. 91200832 (parent)
v.)	
)	Opposition No. 91200146
HONDA GIKEN KOGYO KABUSHIKI)	
KAISHA,)	Application Serial No. 78924545
)	
Applicant.)	
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**APPLICANT HONDA GIKEN KOGYO KABUSHIKI KAISHA’S OPPOSITION TO
MOTION OF OPPOSERS BRIGGS & STRATTON CORPORATION AND KOHLER
CO. FOR LEAVE TO FILE AMENDED NOTICES OF OPPOSITION
[REDACTED VERSION]**

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INTRODUCTION

Applicant Honda Giken Kogyo Kabushiki Kaisha (“Honda”) filed U.S. Trademark Application Serial No. 78,924,545 (the “Application”) in the United States Patent and Trademark Office on July 7, 2006. The Application seeks to register the unique aesthetic look of the GX Series Engines (“GX Engine Trademark”). The Application was published in the *Official Gazette* on January 25, 2011. On May 25, 2011, Opposer Kohler Co. (“Kohler”) filed its Notice of Opposition. Subsequently, on July 22, 2011, Opposer Briggs & Stratton Corporation (“Briggs”) filed its Notice of Opposition. Despite containing widespread allegations, the grounds for these Notices of Opposition limited themselves to non-functionality and lack of secondary meaning. The two oppositions were consolidated by agreement of all parties on February 9, 2012. Now, over a year since the first proceeding was initiated, Opposers seek leave to amend their Notices of Opposition to add additional grounds of abandonment, genericness, and failure to use the Mark as a trademark or service mark.

Opposers’ Motion for Leave to File Amended Notices of Opposition (“Opposers’ Motion”) under Fed. R. Civ. P. 15(a) should be denied. Amendments to the pleadings should be denied when there has been undue delay or when amendment would be futile. *Forman v. Davis*, 371 U.S. 178, 182 (1962). Here, Opposers have unduly delayed by waiting nearly a year to add grounds for their Opposition based on facts that were known to them, or could have been known with the exercise of reasonable diligence, when the original Notices of Opposition were filed. In fact, the Notices of Opposition themselves contain statements regarding information Opposers now perplexingly claim they have learned only recently through discovery. Moreover, Opposers’ Motion should be denied because the proposed amendments would be futile since the materials Opposers rely on in support of their motion to amend negate the exact claims they are seeking to add. For example, Opposers rely on settlement agreements between Honda and third

parties as evidence that Honda has acquiesced to third party use of the claimed trade dress.

However, on their face, these settlement agreements show the exact opposite—that Honda has actively enforced its rights in the claimed trade dress and demanded that third parties cease using infringing designs.

ARGUMENT

I. **OPPOSERS’ MOTION TO AMEND SHOULD BE DENIED AS UNTIMELY BECAUSE OPPOSERS HAD ACCESS TO ALL OF THE INFORMATION THEY ALLEGE SUPPORTS THE PROPOSED AMENDMENTS WELL BEFORE THEY MOVED TO AMEND**

The claims Opposers seek to add are based on information that was known to them, or could have been known with the exercise of reasonable diligence, when the original Notices of Opposition were filed nearly one year ago. This undue delay in seeking leave to amend makes Opposers’ motion untimely. *See Trek Bicycle Corp. v. StyleTrek Ltd.*, 64 U.S.P.Q. 2d 1540, PIN (TTAB 2001) (denying motion to amend filed prior to close of discovery where based on facts known at the time the action was commenced). Opposers seek to add three additional grounds to their notices of opposition: abandonment, genericness, and failure to use the GX Engine Trademark as a trademark. However, Opposers’ suggestion that they first became aware of these additional grounds as a result of recent discovery – namely, two settlement agreements produced by Honda, Honda’s responses to requests for admission, and an excerpt from a Honda website – is disingenuous. Indeed, Briggs’ *original* Notice of Opposition – filed more than ten months ago – explicitly alleges both “lack of use of the Engine Design as a trademark” and “tolerance of third party engine designs more similar in appearance to Applicant’s Engine Design” than the Briggs engines that Honda alleges infringe on its trade dress. Ex. A¹ (Briggs’ Notice of Opposition) at ¶ 8; *see also* Ex. B (Kohler’s Notice of Opposition) at ¶¶ 4-5 (“On information

¹ The Declaration of Sarah R. Frazier along with Exhibits A-M attached thereto, is filed herewith in support of this Opposition.

and belief, the trademark proposed for registration by the Applicant and described in the Application consists largely of features which are generally used throughout the internal combustion engine industry” and “[m]any of the features that the Applicant claims as part of its mark appear in other coexisting product configurations for engines manufactured by others, are not unique to the Applicant and therefore do not indicate source in the Applicant.”).² Thus, Opposers were aware of information that, according to them, would have supported their allegations of abandonment, genericness, and failure to use the GX Engine Trademark as a mark even at the time they filed their original Notices of Opposition. The fact that they may have obtained additional information in discovery that they contend supports such allegations (a contention that Honda disputes) does not excuse their failure to assert these grounds previously.

Similarly, Opposers’ discovery responses themselves suggest they were aware of third party designs that they contend were uses of the claimed mark by others. For example, on October 25, 2011, Briggs served Rule 26 Initial Disclosures in which it identified three Briggs employees “likely to have discoverable information that Opposer may use to support its claims or defenses,” including information about “third party use of similar designs.” Ex. D (Briggs’ Rule 26 Initial Disclosures) at 1-2. In addition, Briggs claimed to have in its possession, custody, or control “[d]ocuments related to the lack of inherent or acquired distinctiveness of Applicant’s claimed engine configuration *including but not limited to evidence of use of similar designs by third parties.*” *Id.* at 2 (emphasis added); *see also* Ex. E (Kohler’s 2/8/2012 Rule 26 Initial Disclosures) at 2 (same). Moreover, despite objecting to Honda’s request for “documents referring or relating to third party engine designs that Opposer claims are more similar in appearance to Applicant’s Mark than Opposers’ Products” as “irrelevant,” *see* Ex. F (Briggs’

² Indeed, *weeks after* receiving the settlement agreement it cites as part of the basis for its new grounds of opposition, counsel for Briggs took the position that these statements were “irrelevant” and “included for background purposes only,” and reiterated that the only issues in this proceeding were “whether the applied-for trade dress is distinctive and non-functional.” Ex. C (Letter from Seth Herring to Silena Paik, dated April 20, 2012) at 2.

Response to Honda's First Set of Requests for Production) at 9, Briggs "produced responsive *relevant* documents in the form of representative images of third party engine designs that it contends are similar to Honda's applied-for trade dress." Ex. C at 2 (emphasis added). In fact, a third of the 111 pages produced by Briggs on March 22, 2012, are pictures of third party engines, the vast majority of which appear to be pictures downloaded from publicly available websites. See Ex. G (Excerpts from Briggs' document production) at BASCO0000002-11, BASCO0000015-31, BASCO0000034-40, BASCO0000097, and BASCO0000100-102. Similarly, more than half of Kohler's production to date has consisted of such images. See Ex. H. (Excerpts from Kohler's document production) at KOHLER000037-73, KOHLER000086-101, and KOHLER000108-117.

Furthermore, Opposers' additional support for their proposed amendments—statements on Honda's website about changes made to GX Engine models for the years 2010 and 2011—were likewise available at the time of filing of the original Notices of Opposition. See Declaration of Dana Pearce attached hereto. Indeed, the very Honda website Opposers accessed also contains press releases dated prior to the filing of both Notices of Opposition that describe the changes Opposers now allege constitutes abandonment. Ex. I (*Honda Introduces All-New Large GX and iGX Engines Series*, Press Release dated February 2, 2010); Ex. J (*Honda Launches All-New Mid GX Engine Lineup*, Press Release dated January 18, 2011). Thus, information concerning the new designs that Opposers contend evidences Honda's abandonment of the GX Engine Trademark has been publicly available for more than a year. The Board has denied amendment under similar circumstances where accessing an opposing party's website "could quite easily have been undertaken prior to filing . . . or by any prompt investigation conducted immediately thereafter." See *Media Online Inc. v. El Clasificado Inc.*, 88 U.S.P.Q. 2d

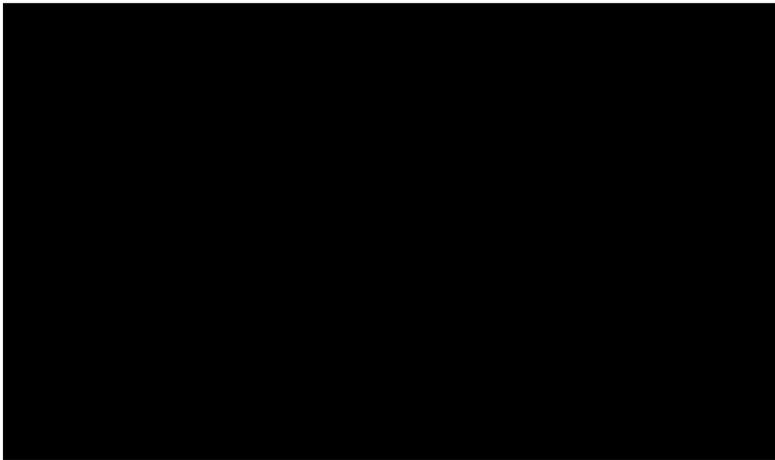
1285, 1286-87 (TTAB 2008) (denying motion to amend where support for new claims came from consulting the dictionary and accessing respondent's website). Here, where Opposers chose to wait nearly a year to seek leave to amend their pleadings to add claims based on information patently available when they commenced these proceedings, amendment is contrary to the spirit of Rule 15(a), and their Motion therefore should be denied.

II. OPPOSERS' MOTION TO AMEND SHOULD BE DENIED BECAUSE THE PROPOSED AMENDMENTS ARE FUTILE

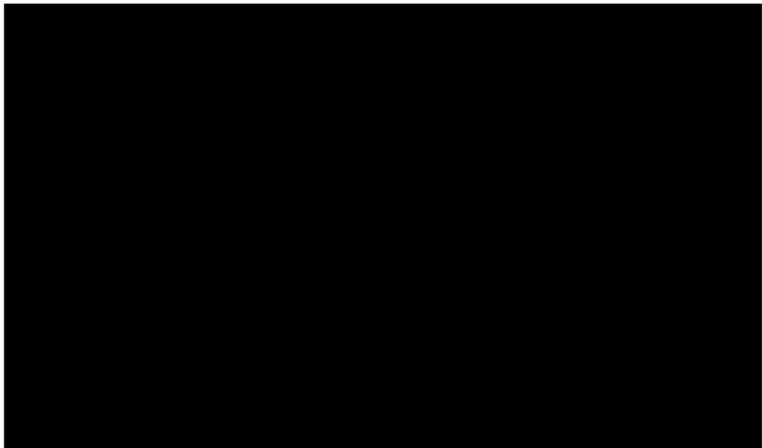
A. Opposers' Allegation that Honda has Consented or Acquiesced to Third Parties' Manufacture and Sale of Engines in the U.S. with Designs that Incorporate Many or All of the Elements of Honda's Mark Misstates the Evidence

Opposers' proposed amendments are futile because they have failed to identify *any* evidence that supports their allegation that Honda consented to third parties' use of engine configurations that are the same or substantially similar to the claimed trademark. To the contrary, the documents and information on which Opposers' Motion relies support the validity and enforceability of the GX Engine Trademark.

In arguing otherwise, Opposers attempt to call out individual aspects of third party engine configurations that they claim are similar to the corresponding aspects of the GX Engine Trademark. However, this approach both misapplies the law of trade dress as well as mischaracterizes the evidence. It is well established that trade dress refers to the total image and overall appearance of a product. *Philosophy, Inc. v. Wilson*, 2012 WL 975573 at *6 (TTAB Mar. 7, 2012) (internal citations omitted). Thus, it is the combination and overall unique look of the components identified in the Application that Honda seeks to protect, and Opposers' focus on one or two individual components is misplaced. In fact, the very settlement agreements on which Opposers seek to rely as evidence of Honda's acquiescence of others' use of the GX

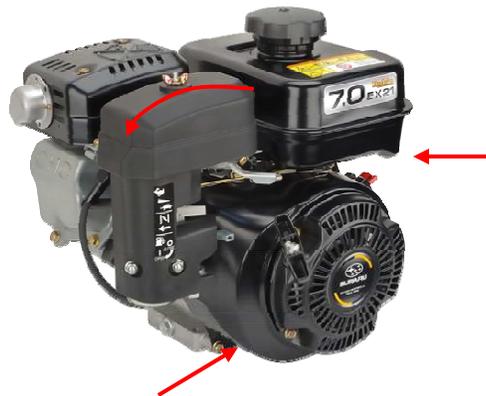


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[Redacted text block consisting of four horizontal black bars]

Similarly, the Subaru Robin engine to which Opposers point has substantial differences from the GX Engine Trademark. The Subaru Robin EX21 referenced in Opposers’ Motion does not have “an overall cubic design”; it does not have a “slanted fan cover” (rather the fan cover is rounded on all sides); the air cleaner cover does not feature “a cube shape with beveled top outside edges” (rather the top of the air cleaner cover is sloping outward, and the beveling appears only on the front edge); the fuel tank is not “roughly rectangular”; and the engine does not feature “a beveling that runs around its top circumference.” *Compare Application to Opposers’ Motion, Ex. 3 at Ex. K.*



Subaru Robin EX21

In asserting that Honda has admitted that the Subaru Robin engine is similar to the GX Engine Trademark, Opposers conveniently omit key portions of Honda’s responses to Opposers’ Requests for Admission that make clear that the Subaru Robin engine lacks the combination of elements and overall engine configuration that constitutes the GX Engine Trademark. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

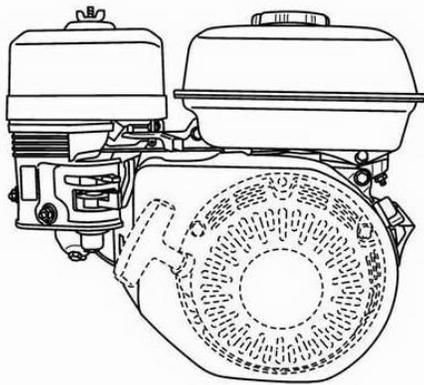
[REDACTED]

In sum, all of the evidence Opposers contend supports their theory of acquiescence shows the exact opposite – that Honda has vigorously enforced its trade dress rights against engine configurations that are the same or substantially similar to the GX Engine Trademark. Accordingly, Opposers have failed to identify any evidence that supports their request for leave to amend to add claims of abandonment, genericness, and failure to use the GX Engine Trademark as a mark, and their Motion should be denied as futile.

B. Honda Has Not Abandoned Its Trade Dress By Its Utilization of a New Version of the GX Engine

Opposers’ reliance on Honda’s introduction of new designs of its GX Engine models is also misplaced. As an initial matter, it is clear from the face of Honda’s website that the “redesign” of the GX Engines was primarily internal, and did not affect the overall external appearance of the engines. For example, the changes made offer “improved fuel economy,” “quieter performance,” “lower noise levels, lower vibration, and lower emissions.” *See* Opposers’ Motion, Ex. 5. Any alterations to the external appearance of the engines were minor and certainly do not constitute abandonment of the claimed trade dress.

Moreover, to the extent there were any modifications to the external appearance, they were minor in nature, and the overall look remains unchanged. The new versions all have “an overall cubic design, with a slanted fan cover, the fuel tank located above the fan cover on the right, and the air cleaner located to the left of the fuel tank. The air cleaner cover features a cube shape with beveled top outside edges, and a belt-like area on the lower portion of the cover encompassing the entire circumference and the top of the belt-like area is aligned with a rib of the fuel tank.” Application. In addition, the fuel tank on the new versions remains “roughly rectangular,” and they “feature[] a beveling that runs around its top circumference.” *Id.* The only noticeable difference between the new design and the one depicted in Honda’s Application is that the carburetor cover on the new design lacks the “four ribs along its outside edge.”



Drawing, U.S. Trademark
Application Serial No. 78,924,545



New Version of the GX 120

It is well-established that minor variations in trade dress do not constitute abandonment. *See, e.g., Rose Art Undus., Inc. v. Swanson*, 235 F.3d 165, 173 (3d Cir. 2000) (holding a product series may have trade dress rights even if there are slight variations in design so long as “the trade dress conveys a single and continuing commercial expression”); *Dreyfus Fund v. Royal Bank of Canada*, 525 F. Supp. 1108, 115 (S.D.N.Y. 1981) (“The law permits a user who

changes the form of its mark to retain the benefit of its use of the earlier form, without abandonment, if the new and old forms create the same, continuing commercial impression.”). Therefore, Opposers’ proposed claim of abandonment as a result of the purported redesign of the GX Engine models is futile, and the amendment should be denied.

CONCLUSION

For the foregoing reasons, Honda respectfully requests that Opposers’ Motion for Leave to file Amended Notices of Opposition be denied.

Date: June 19, 2012

HONDA GIKEN KOGYO KABUSHIKI KAISHA
(HONDA MOTOR CO., LTD.)

By its attorneys,



John Regan
Vinita Ferrera
Silena Paik
Sarah Frazier
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, Massachusetts 02109
(617) 526-6000

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Applicant's Opposition to Opposers' Motion for Leave to File Amended Notices of Opposition [Unredacted Version Filed Under Seal] and Applicant's Opposition to Opposers' Motion for Leave to File Amended Notices of Opposition [Redacted Version] was served by overnight courier, this 19th day of June, 2012 upon:

Donald Daugherty
Whyte Hirschboeck Dudek S.C.
555 E. Wells Street, Suite 1900
Milwaukee, Wisconsin 53202

And

Seth B. Herring
Reed Smith LLP
101 Second Street
Suite 1800
San Francisco, California 94105

By email as per the agreement of the parties to the following addresses: ipdocket-chi@reedsmith.com, robphillips@reedsmith.com, dkalahale@reedsmith.com, ddaugherty@whdlaw.com, ptomailbox@whdlaw.com, cwalker@whdlaw.com.



Sarah R. Frazier

new design of the GX240, GX270, GX340, and GX360 engines and to contain the following language: “The GX [240, 270, 340 and 360] is all new for 2010, featuring more power, quieter performance, lower fuel consumption, and lower emissions.”

3. In February of 2011, pages of Honda’s website depicting pictures of the GX120, GX160 and GX200 engines (located at <http://engines.honda.com/models/model-detail/gx120>, <http://engines.honda.com/models/model-detail/gx160>, and <http://engines.honda.com/models/model-detail/gx200>, respectively) were updated to depict the new design of the GX120, GX160, and GX200 engines and to reflect that these models had been “[c]ompletely redesigned for 2011.”

I declare under the penalty of perjury that the foregoing is true and correct.

Date: June 19, 2012



Dana Pearce

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

BRIGGS & STRATTON CORPORATION)	
and KOHLER CO.,)	
)	
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)	Opposition No. 91200832 (parent)
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)	Opposition No. 91200146
HONDA GIKEN KOGYO KABUSHIKI)	
KAISHA,)	Application Serial No. 78924545
)	
Applicant.)	CONFIDENTIAL – SUBJECT TO
)	PROTECTIVE ORDER
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DECLARATION OF SARAH R. FRAZIER

I, Sarah R. Frazier, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an attorney duly licensed to practice to practice law in the Commonwealth of Massachusetts. I am an Associate at the law firm of Wilmer Cutler Pickering Hale and Dorr, counsel for Honda Giken Kogyo Kaubshiki Kaisha (“Honda”), the Applicant in the above-entitled actions.
2. Attached hereto as **Exhibit A** is a true and correct copy of Opposer Briggs & Stratton Corporation’s (“Briggs”) July 22, 2011 Notice of Opposition.
3. Attached hereto as **Exhibit B** is a true and correct copy of Opposer Kohler Co.’s (“Kohler”) May 25, 2011 Notice of Opposition.

4. Attached hereto as **Exhibit C** is a true and correct copy of the April 20, 2012 letter from Mr. Seth B. Herring, counsel for Briggs, to Ms. Silena Y. Paik, counsel for Honda.
5. Attached hereto as **Exhibit D** is a true and correct copy of Briggs' Rule 26 Initial Disclosures made on October 28, 2011, pursuant to Federal Rule of Civil Procedure 26(a)(1).
6. Attached hereto as **Exhibit E** is a true and correct copy of Kohler's Rule 26 Initial Disclosures made on February 8, 2012, pursuant to Federal Rule of Civil Procedure 26(a)(1).
7. Attached hereto as **Exhibit F** is a true and correct copy of excerpts of Briggs's January 3, 2012 Responses to Honda's First Request for Production of Documents.
8. Attached hereto as **Exhibit G** is a true and correct copy of excerpts of Briggs' March 22, 2012 production of documents.
9. Attached hereto as **Exhibit H** is a true and correct copy of excerpts of Kohler's May 4, 2012 production of documents.
10. Attached hereto as **Exhibit I** is a true and correct copy of a February 2, 2010 Press Release from Honda titled "Honda Introduces All-New Large GX and iGX Engines Series: New Engines Offer More Power, Better Fuel Economy and Low Noise," available at <http://engines.honda.com/pdf/news/2010-gx-engine-release.pdf>.
11. Attached hereto as **Exhibit J** is a true and correct copy of a January 18, 2011 Press Release from Honda titled "Honda Launches All-New Mid GX Engine Lineup: New Models for Commercial Power Equipment Market Designed with Technologically Advanced Features for

Lower Emissions, Lower Noise, Lower Vibration,” available at

<http://engines.honda.com/pdf/news/2011-honda-launches-all-new-mid-gx-engine-lineup.pdf>.

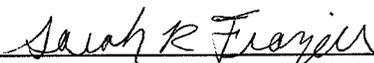
12. Attached hereto as **Exhibit K** is a true and correct copy of

13. Attached hereto as **Exhibit L** is a true and correct copy of

14. Attached hereto as **Exhibit M** is a true and correct copy of

I declare under the penalty of perjury that the foregoing is true and correct.

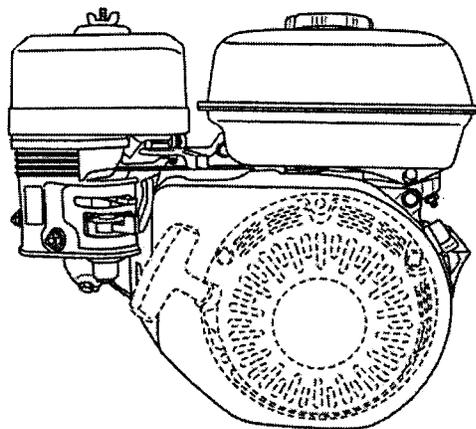
Date: June 19, 2012



Sarah R. Frazier (BBO No. 681656)

EXHIBIT A

the air cleaner located to the left of the fuel tank. The air cleaner cover features a cube shape with beveled top outside edges, and a belt-like area on the lower portion of the cover encompassing the entire circumference and the top of the belt-like area is aligned with a rib of the fuel tank. The carburetor cover features four ribs along its outside edge and a recessed area where control levers are located. The fuel tank is roughly rectangular. The engine features a beveling that runs around its top circumference.” (hereinafter “Engine Design”):



(2) The opposed application was filed on July 7, 2006, by Applicant Honda Giken Kogyo Kabushiki Kaisha (Honda Motor Co., Ltd.), a corporation organized under the laws of Japan having its principal place of business at No. 1-1, 2-Chome, Minamiaoyama Minato-Ku, Tokyo JAPAN 107-8556, based on a claim of use since 1983 under the Federal Trademark Act, 15 U.S.C. § 1051(a).

(3) On information and belief, the Engine Design as shown and described in the opposed application is not inherently distinctive and has not acquired distinctiveness in accordance with § 2(f) of the Federal Trademark Act, 15 U.S.C. § 1052(f).

(4) On information and belief, the Engine Design as shown and described in the opposed application is functional.

(5) For the reasons stated above, Applicant is not lawfully entitled to a registration of the Engine Design as a trademark under the provisions of the Federal Trademark Act, 15 U.S.C. § 1051 *et seq.*

(7) Opposer manufactures and sells engines including but not limited to Opposer's 550 Series Engine. A photograph of the 550 Series Engine is annexed hereto as Exhibit A and made a part hereof.

(8) Applicant has claimed that Opposer's 550 Series Engine infringes Applicant's alleged trademark rights in the Engine Design. Opposer denies that its 550 Series Engine infringes any trademark rights of Applicant in the Engine Design on several grounds, including but not limited to, the nondistinctiveness and lack of secondary meaning in Applicant's Engine Design, the functionality of Applicant's Engine Design, Applicant's lack of use of the Engine Design as a trademark, the substantial differences in appearance of Applicant's Engine Design and Opposer's 550 Series Engine, Applicant's tolerance of third party engine designs more similar in appearance to Applicant's Engine Design, Applicant's prominent placement of the HONDA trademark on the Engine Design, Opposer's prominent placement of the BRIGGS & STRATTON trademark on the 550 Series Engine, the sophistication of the parties' consumers, and the absence of any actual or likely confusion between Applicant's Engine Design and Opposer's 550 Series Engine.

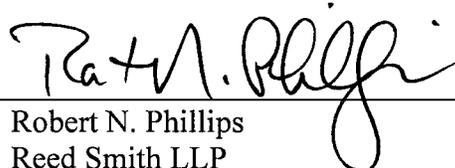
(9) For all of the foregoing reasons, Opposer has an interest in this matter and standing to oppose the subject application.

WHEREFORE, Opposer believes that the present opposition should be sustained and registration of the Engine Design as a trademark refused.

The requisite filing fee for this Notice of Opposition is submitted herewith.

BRIGGS & STRATTON CORPORATION

Dated: July 22, 2011

By: 
Robert N. Phillips
Reed Smith LLP
101 Second Street
San Francisco, CA 94105

and

Nina Habib Borders
Reed Smith LLP
10 S. Wacker Dr., 40th Flr.
Chicago, IL 60606

Attorneys for Opposer

Certificate of Service

In accordance with Rule 2.105(a) of the Trademark Rules of Practice, as amended, it is hereby certified that a true copy of the foregoing Notice of Opposition was served on the following counsel of record for Applicant, by depositing same in the U.S. mail, first class postage prepaid, this 22nd day of July, 2011:

Michael J. Bevilacqua, Esq.
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, MA 02109-1800
Phone: (617) 526-6448
Fax: (617) 526-5000

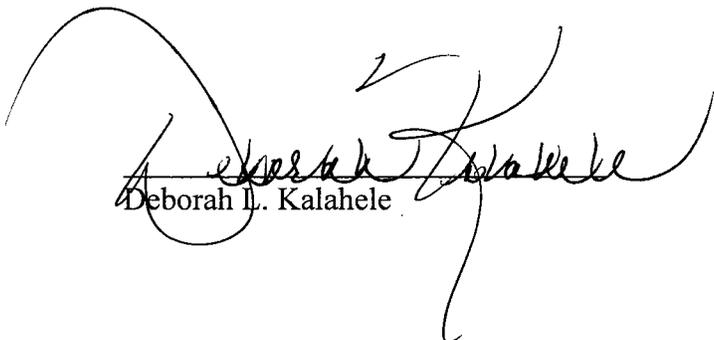

Deborah L. Kalahale

EXHIBIT A

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550 SERIES

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The 550 Series engine utilizes Overhead Valve (OHV) technology. It features automotive-style air filter, cast iron cylinder sleeve, and dual ball bearings.



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Key Features

Learn more about the key features available on this engine model:

OHV

Series Features

Features	Benefits
Overhead Valve Design (OHV)	Runs cooler and cleaner delivering more power, smoother operation, longer engine life, and an economy.
Compact and Dependable Power	Excellent performance for mid-duty utility applications.
Dura-Lube™ Splash Lubrication System	Gear driven system continuously supplies internal parts.
Automotive-Style paper filter	Protects engine from dirt to extend engine life.
Cast Iron Cylinder Sleeve	Withstands wear and abuse while providing control.
Dual Ball Bearings	Reduces wear for longer life.
2.0 Quart Fuel Tank	For long run time.



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Lawn Mower

- Register Your Product
- Oil - 18 Ft. 1 qt
- \$3.95
- Product Recalls
- [View Details](#)

YardSmarts™

- New Homeowners
- Ask the Yard Doctor
- Yard Care by Region
- Equipment Know-How
- How-To

Briggs Racing

- About
- Racing Engines
- News
- Videos
- Articles
- Dealer Locator
- Manuals
- Shop

My

- Sto**
- Rep
- Pro
- Rac
- Brig
- Lea
- Onl

Vid

[VISIT THE STORE »](#)

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EXHIBIT B

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

In re Application of HONDA GIKEN KOGYO KABUSHIKI KAISHA)
(Honda Motor Co., Ltd.)

Serial No. 78/924,545
Filed: July 7, 2006
Mark: Product Configuration of an Engine
Published: in the *Official Gazette* on January 25, 2011

KOHLEK CO.,)
)
)
 Opposer)
)
 vs.) Opposition No. _____
)
 HONDA GIKEN KOGYO KABUSHIKI KAISHA)
 (Honda Motor Co., Ltd.),)
 Applicant)
)

I hereby certify that, on the date shown below, this correspondence is being:
Mailing

■ deposited with the United States Postal Service in an envelope addressed to the
Commissioner of Patents and Trademarks, Washington, D.C. 20231

■ As Express Mail Post Office to Addressee Mailing Label No. EL 018249941 US.

Date: 5.25.11

Signature: *Suzanne Pleggen*

NOTICE OF OPPOSITION

On July 7, 2006, Honda Giken Kogyo Kabushiki Kaisha (Honda Motor Co., Ltd.), a Japanese corporation, of No. 1-1, 2-Chome, Minamiaoyama, Minato-Ku, Tokyo 107-8556 Japan, (hereinafter referred to as the "Applicant") filed in the United States Patent and Trademark Office (the "PTO") an application for registration (the "Application") of a product configuration of an engine, under 15 USC § 1051(b) of the Trademark Act for use on "engines for use in

construction, maintenance and power equipment” (hereinafter referred to as the “Applicant’s Mark”). The Application was assigned Serial No. 78/924,545 and was published for opposition on page 381 of the *Official Gazette* dated January 25, 2011.

Kohler Co., a Wisconsin corporation, of 444 Highland Drive, Kohler, Wisconsin 53044 (hereinafter referred to as the “Opposer”) believes it will be damaged by registration of the Applicant’s Mark and therefore hereby opposes the registration thereof.

The grounds for the Opposition are as follows:

1. The Opposer is a corporation that designs, manufactures and distributes engines and related technologies, among other products.

2. The Applicant’s Mark is described in the application as follows:

The mark consists of the configuration of an engine with an overall cubic design, with a slanted fan cover, the fuel tank located above the fan cover on the right, and the air cleaner located to the left of the fuel tank. The air cleaner cover features a cube shape with beveled top outside edges, and a belt-like area on the lower portion of the cover encompassing the entire circumference and the top of the belt-like area is aligned with a rib of the fuel tank. The carburetor cover features four ribs along its outside edge and a recessed area where control levers are located. The fuel tank is roughly rectangular. The engine features a beveling that runs around its top circumference.

3. The Applicant’s Mark is further described by the drawing set forth in the Application as shown in Exhibit A, a TARR status copy of the Application which is attached hereto and incorporated herein by reference.

4. On information and belief, the trademark proposed for registration by the Applicant and described in the Application consists largely of features which are generally used throughout the internal combustion engine industry.

5. Many of the features that the Applicant claims as part of its mark appear in other coexisting product configurations for engines manufactured by others, are not unique to the Applicant and therefore do not indicate source in the Applicant.

6. The Applicant's Mark consists of an engine configuration that is wholly or substantially descriptive and nondistinctive, does not indicate origin in the Applicant or act as a trademark to identify Applicant's goods and distinguish them from others and therefore is not registerable under 15 *United States Code* § 1052(e)(1) of the Act.

7. Applicant's Mark consists of an engine configuration that is wholly or substantially functional, such matter is not protectable under the law as a trademark, and is not registerable under 15 *United States Code* § 1052(e)(5) of the Act.

8. On information and belief, the Applicant's Mark, at least in part, consists of features of engine configuration that have been the subject of utility patents.

9. On information and belief, the Applicant's Mark, at least in part, consists of features of engine configuration that provide utilitarian advantages to the user.

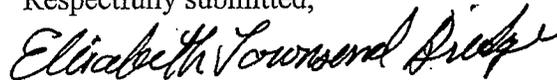
10. If Applicant is able to obtain a trademark registration for its alleged mark, it will cause Opposer damage in that it will enable Applicant to have intellectual property rights in descriptive, nondistinctive and functional features of engine design and thereby enable Applicant to restrict others from incorporating similar features in their designs or restrict others from continuing to use such features in their competitive products, all to the detriment of the Applicant's competitors, including the Opposer. It will also bolster Applicant's argument that the use of any similar features in engine design constitutes an infringement of its rights. Applicant has already made such allegations against Opposer.

A check in the amount of \$300.00 is enclosed to cover the fee for opposing the registration of the Applicant's Mark in one class. If this amount is not correct, please debit or credit Deposit Account 23-2053 for the difference.

WHEREFORE, Opposer files this Notice of Opposition and prays that this opposition be sustained and the Application herein opposed be rejected; that registration of the Applicant's Mark be refused; and for such other and further relief as may be deemed to be just and proper.

Dated: May 25, 2011.

Respectfully submitted,



Elisabeth Townsend Bridge
Attorney for Opposer

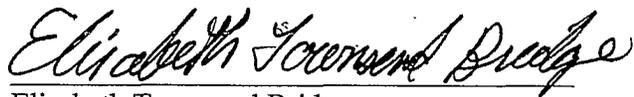
Whyte Hirschboeck Dudek S.C.
555 E. Wells Street, Suite 1900
Telephone: 414/978-5532
Fax: 414/223-5000

CERTIFICATE OF SERVICE

I CERTIFY that on the 25th day of May, 2011, a copy of the foregoing Notice of Opposition was served upon the following party by United States Mail, postage prepaid:

Michael J. Bevilacqua, Esq.
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, MA 02109-1800

Dated: May 25th, 2011.



Elisabeth Townsend Bridge
Attorney for Opposer
WHYTE HIRSCHBOECK DUDEK S.C.
555 East Wells Street, Suite 1900
Milwaukee, WI 53202

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

This page was generated by the TARR system on 2011-05-25 18:15:51 ET

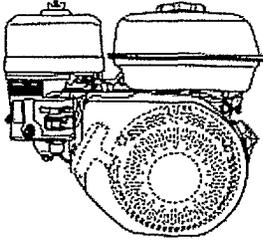
Serial Number: 78924545 Assignment Information

Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Serial No. 78924545
Trademark: Product Configuration of an Engine
Applicant: Honda Giken Kogyo Kabushiki Kaisha
Publication Date: January 25, 2011
NOTICE OF OPPOSITION

Mark



Standard Character claim: No

Current Status: A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Date of Status: 2011-02-16

Filing Date: 2006-07-07

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 109

Attorney Assigned:
RAUEN JAMES A

Current Location: 650 -Publication And Issue Section

Date In Location: 2010-12-20

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

1. Honda Giken Kogyo Kabushiki Kaisha (Honda Motor Co., Ltd.)

Address:
Honda Giken Kogyo Kabushiki Kaisha (Honda Motor Co., Ltd.)
No. 1-1, 2-Chome, Minamiaoyama
Minato-Ku, Tokyo 107-8556
Japan
Legal Entity Type: Corporation

EXHIBIT A

State or Country of Incorporation: Japan

GOODS AND/OR SERVICES

International Class: 007

Class Status: Active

engines for use in construction, maintenance and power equipment

Basis: 1(a)

First Use Date: 1983-10-00

First Use in Commerce Date: 1984-12-00

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.

Disclaimer: THE DESIGN MARK'S PURELY FUNCTIONAL COMPONENTS, NAMELY LEVERS, BOLTS, NUTS AND CAPS

Description of Mark: The mark consists of the configuration of an engine with an overall cubic design, with a slanted fan cover, the fuel tank located above the fan cover on the right, and the air cleaner located to the left of the fuel tank. The air cleaner cover features a cube shape with beveled top outside edges, and a belt-like area on the lower portion of the cover encompassing the entire circumference and the top of the belt-like area is aligned with a rib of the fuel tank. The carburetor cover features four ribs along its outside edge and a recessed area where control levers are located. The fuel tank is roughly rectangular. The engine features a beveling that runs around its top circumference.

Lining and Stippling: The broken lining in the drawing is not part of the mark and serves only to indicate position.

Section 2(f)

Design Search Code(s):

15.01.04 - Air cleaner filters, automotive; Alternators; Boat motors, outboards; Carburetors, vehicle; Diesel engines; Engines, combustion; Engines, steam; Engines, turbine; Filters, air cleaner (automotive); Filters, oil (automotive); Generators; Internal combustion engines; Motors (machinery); Motors, outboard (boat); Valves, automobile engine

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.

2011-02-16 - Extension Of Time To Oppose Received

2011-01-25 - Notice Of Publication E-Mailed

Serial No. 78924545
Trademark: Product Configuration of an Engine
Applicant: Honda Giken Kogyo Kabushiki Kaisha
Publication Date: January 25, 2011
NOTICE OF OPPOSITION

2011-01-25 - Published for opposition
2010-12-13 - Withdrawn From Pub - Og Review Query
2010-11-27 - Law Office Publication Review Completed
2010-11-12 - Approved for Pub - Principal Register (Initial exam)
2010-10-22 - Teas/Email Correspondence Entered
2010-10-22 - Communication received from applicant
2010-10-20 - TEAS Request For Reconsideration Received
2010-08-26 - Notification Of Final Refusal Emailed
2010-08-26 - Final refusal e-mailed
2010-08-26 - Final Refusal Written
2010-08-06 - Teas/Email Correspondence Entered
2010-08-06 - Communication received from applicant
2010-08-04 - TEAS Response to Office Action Received
2010-02-05 - Notification Of Non-Final Action E-Mailed
2010-02-05 - NON-FINAL ACTION E-MAILED
2010-02-05 - Non-Final Action Written
2010-01-28 - Previous Allowance Count Withdrawn
2009-11-10 - Withdrawn From Pub - Senior Attorney Request
2009-11-02 - Law Office Publication Review Completed
2009-10-28 - Approved for Pub - Principal Register (Initial exam)
2009-10-26 - Teas/Email Correspondence Entered
2009-10-26 - Communication received from applicant
2009-10-26 - TEAS Response to Office Action Received
2009-04-27 - Notification Of Non-Final Action E-Mailed
2009-04-27 - NON-FINAL ACTION E-MAILED
2009-04-27 - Non-Final Action Written
2009-03-07 - Teas/Email Correspondence Entered

2009-03-07 - Communication received from applicant
2009-03-04 - PAPER RECEIVED
2008-10-29 - Opposition instituted for Proceeding
2008-09-02 - Notification Of Non-Final Action E-Mailed
2008-09-02 - NON-FINAL ACTION E-MAILED
2008-09-02 - Non-Final Action Written
2008-08-18 - Previous Allowance Count Withdrawn
2008-07-30 - Letter Of Protest Accepted
2008-04-17 - Extension Of Time To Oppose Received
2008-03-25 - Published for opposition
2008-03-05 - Notice of publication
2008-02-19 - Law Office Publication Review Completed
2008-02-13 - Approved for Pub - Principal Register (Initial exam)
2008-02-11 - Teas/Email Correspondence Entered
2008-02-11 - Communication received from applicant
2008-02-11 - TEAS Response to Office Action Received
2007-08-15 - Notification Of Non-Final Action E-Mailed
2007-08-15 - NON-FINAL ACTION E-MAILED
2007-08-15 - Non-Final Action Written
2007-08-12 - Previous Allowance Count Withdrawn
2007-07-23 - Withdrawn From Pub - Og Review Query
2007-07-06 - Law Office Publication Review Completed
2007-06-28 - Approved for Pub - Principal Register (Initial exam)
2007-06-22 - Amendment From Applicant Entered
2007-06-22 - Communication received from applicant
2007-06-22 - Assigned To LIE
2007-06-11 - PAPER RECEIVED

Serial No. 78924545
Trademark: Product Configuration of an Engine
Applicant: Honda Giken Kogyo Kabushiki Kaisha
Publication Date: January 25, 2011
NOTICE OF OPPOSITION

2007-02-21 - Applicant/Correspondence Changes (Non-Responsive) Entered

2007-02-21 - TEAS Change Of Owner Address Received

Serial No. 78924545
Trademark: Product Configuration of an Engine
Applicant: Honda Giken Kogyo Kabushiki Kaisha
Publication Date: January 25, 2011
NOTICE OF OPPOSITION

2006-12-08 - Non-final action e-mailed

2006-12-08 - Non-Final Action Written

2006-12-07 - Assigned To Examiner

2006-07-13 - Notice Of Design Search Code Mailed

2006-07-12 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Michael J. Bevilacqua, Esquire

Correspondent

MICHAEL J. BEVILACQUA, ESQUIRE
WILMER CUTLER PICKERING HALE AND DORR LL
60 STATE ST
BOSTON, MA 02109-1800
Phone Number: 617-526-6448
Fax Number: 617-526-5000

Domestic Representative

Michael J. Bevilacqua, Esquire
Phone Number: 617-526-6448
Fax Number: 617-526-5000

EXHIBIT C



Seth B. Herring
Direct Phone: +1 415 659 55954
Email: sherring@reedsmith.com

Reed Smith LLP
101 Second Street
Suite 1800
San Francisco, CA 94105-3659
+1 415 543 8700
Fax +1 415 391 8269
reedsmith.com

April 20, 2012

Via Electronic Mail

Silena Y. Paik
Wilmer Cutler Pickering Hale and Dorr LLP
60 State St.
Boston, MA 02109

**Re: *Briggs & Stratton Corporation and Kohler Co. v. Honda Giken Kogyo Kabushiki Kaisha*,
TTAB Opposition Nos. 91200832 and 91200146**

Dear Silena:

We write in response to your March 28, 2012 letter regarding certain discovery responses from Briggs. We note that Honda sent a similar letter to co-Opposer Kohler on the same date with a significant number of overlapping issues. This letter will address only the issues in your letter to Briggs that are unique to Briggs. Opposers will respond to all overlapping issues in a separate letter.

As a preliminary matter, Honda's interrogatories and requests for production seek to drastically broaden the scope of discovery in this case to include virtually every document pertaining to Opposers' horizontal shaft utility engine products, and to the substantial business Opposers conduct with Honda. The vast majority of this information, however, is simply irrelevant to the issues in the Opposition.

The Opposition challenges the registrability of Honda's applied-for trade dress on grounds of lack of inherent distinctiveness and secondary meaning, and functionality. Honda's document requests go far beyond these issues, and appear to be infringement-type requests. This, however, is not an infringement case, and the focus should be on Honda's alleged trade dress, not Opposers'. Information regarding Opposers' products will only be produced to the extent it is relevant to the grounds set forth in the Notice of Opposition.

Briggs' Responses to Honda's First Set of Interrogatories

Interrogatory No. 1: In response to this interrogatory, Briggs has provided the first date of sale for its 550 Series engines. Your letter seeks dates of first sale for each and every different engine in that series. Briggs does not believe such information is relevant to the Opposition, and indeed your letter fails to address the relevancy of this request. Please provide an explanation on why this information is relevant, and Briggs will consider providing.

Interrogatory No. 15: This interrogatory seeks information regarding Briggs' statement in its Notice of Opposition that there are "substantial differences" between Honda's GX engines and Briggs' products. This statement, as well as the other allegations regarding the absence of likelihood of confusion between Honda's alleged trade dress and Opposer's products, was included for background purposes only, and is not a ground for the Opposition. Thus, the information sought by this interrogatory is irrelevant to the only question before the Board: whether the applied-for trade dress is distinctive and non-functional. Briggs reserves its rights regarding any and all arguments related to the relevant issues regarding registrability.

Briggs' Responses to Honda's First Requests for Production of Documents

First, our records indicate that documents BASC0000001-25 were in fact included in the document production to Honda. Please double check, and if you are indeed missing those documents, Briggs will send a replacement production CD.

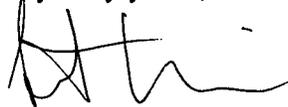
Regarding the financial data produced at document 103-107, please let us know the Briggs engines for which Honda still requires financial information. Briggs is checking on whether those figures represent U.S. sales only. Briggs is also checking on whether it has in its possession, custody, or control any documents it has agreed to produce pursuant to Request No. 36.

Documents in Support of Briggs' Contentions

Honda seeks documents in response to Request Nos. 5, 17, 31, and 34, on the sole basis that these requests relate to Briggs' contentions in its Notice of Opposition. Again, these requests primarily relate to the background allegations regarding the absence of likelihood of confusion between Honda's applied-for trade dress and Briggs' engines. But absence of likelihood of confusion is not one of the grounds for the Opposition, and is therefore irrelevant for discovery purposes. Regarding the specific requests raised in your letter, documents responsive to Request No. 5 are already in Honda's possession. Regarding Request No. 17, Briggs has already produced responsive relevant documents in the form of representative images of third party engine designs that it contends are similar to Honda's applied-for trade dress. Regarding Request No. 31, to the extent documents responsive to this request is relevant to registrability, Briggs will produce them. Request Nos. 34 is solely related to the absence of likelihood of confusion, which is not at issue in this Opposition.

In Opposers' joint response letter to the other issues raised in your letter, Opposers will propose a time to discuss these issues, as well as the various other discovery issues recently raised by both parties.

Very truly yours,



Seth B. Herring

SBH:dk

cc: Robert N. Phillips
Counsel for Co-Opposers

EXHIBIT D

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

In the matter of Application Serial No. 78/924,545
Filed: July 7, 2006
Applicant: Honda Giken Kogyo Kabushiki Kaisha
Mark: Engine Design
Class: 7
Published in the *Official Gazette* of January 25, 2011



BRIGGS & STRATTON
CORPORATION,)
)
Opposer,)
)
vs.)
)
HONDA GIKEN KOGYO)
KABUSHIKI KAISHA,)
)
Applicant.)

Opposition No. 91200832

OPPOSER BRIGGS & STRATTON CORPORATION'S RULE 26 INITIAL DISCLOSURES

Pursuant to TBMP §401.02 and Rule 26(a)(1) of the Federal Rules of Civil Procedure, Opposer Briggs & Stratton Corporation ("Opposer") provides this initial disclosure to Applicant HONDA GIKEN KOGYO KABUSHIKI KAISHA ("Applicant").

1. Individuals Likely To Have Discoverable Information

The following individuals are likely to have discoverable information that Opposer may use to support its claims or defenses. Employees of Opposer should be contacted through counsel:

- a. **Pete Hotz – Mr. Hotz is knowledgeable concerning the functional aspects of Applicant’s claimed engine configuration, and third party use of similar designs.**

- b. **Ron Weber – Mr. Weber is knowledgeable concerning the functionality of Applicant’s claimed engine configuration, and third party use of similar designs.**

- c. **Mike Miller – Mr. Miller is knowledgeable concerning the functionality of Applicant’s claimed engine configuration, and third party use of similar designs.**

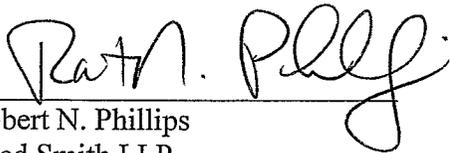
2. Documents Related To Disputed Facts

The following categories of documents, electronically stored information, and tangible things are in Opposer’s possession, custody, or control and may be used to support its claims or defenses.

- a. Documents related to the functionality of Applicant’s claimed engine configuration;

- b. Documents related to the lack of inherent or acquired distinctiveness of Applicant’s claimed engine configuration including but not limited to evidence of use of similar designs by third parties;

October 25, 2011

By: 
Robert N. Phillips
Reed Smith LLP

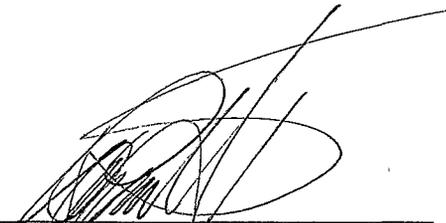
Nina Habib Borders
Reed Smith LLP

Attorneys for Opposer
BRIGGS & STRATTON
CORPORATION

Certificate of Service

In accordance with Rule 2.105(a) of the Trademark Rules of Practice, as amended, it is hereby certified that a true copy of the foregoing OPPOSER BRIGGS & STRATTON CORPORATION'S RULE 26 INITIAL DISCLOSURES was served on the following counsel of record for Applicant, by depositing same in the U.S. mail, first class postage prepaid, this 25th day of October, 2011:

Michael J. Bevilacqua, Esq.
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, MA 02109-1800
Phone: (617) 526-6448
Fax: (617) 526-5000



Veronica L. Canton

EXHIBIT E

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



In re Application of HONDA GIKEN KOGYO KABUSHIKI KAISHA)
(Honda Motor Co., Ltd.)

Serial No. 78/924,545
Filed: July 7, 2006
Mark: Product Configuration of an Engine
Published: in the *Official Gazette* on January 25, 2011

KOHLER CO.,)
)
Opposer,)
)
vs.) Opposition No. 91200146
)
HONDA GIKEN KOGYO KABUSHIKI KAISHA)
(Honda Motor Co., Ltd.),)
)
Applicant.)

OPPOSER KOHLER CO.'S RULE 26 INITIAL DISCLOSURES

Pursuant to TBMP §401.02 and Rule 26(a)(1) of the Federal Rules of Civil Procedure, Opposer Kohler Co. (“Opposer”) provides this initial disclosure to Applicant HONDA GIKEN KOGYO KABUSHIKI KAISHA (“Applicant”).

1. Individuals Likely To Have Discoverable Information

The following individuals are likely to have discoverable information that Opposer may use to support its claims or defenses. Employees of Opposer should be contacted through counsel:

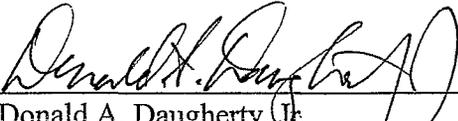
- a. Cameron Litt, Marketing Manager, Kohler Engines

2. Documents Related To Disputed Facts

The following categories of documents, electronically stored information, and tangible things are in Opposer's possession, custody, or control and may be used to support its claims or defenses.

- a. Documents related to the functionality of Applicant's claimed engine configuration;
- b. Documents related to the lack of inherent or acquired distinctiveness of Applicant's claimed engine configuration, including but not limited to evidence of use of similar designs by third parties.

February 8, 2012

By: 
Donald A. Daugherty, Jr.
Whyte Hirschboeck Dudek S.C.

Elisabeth Townsend Bridge
Whyte Hirschboeck Dudek S.C.

Attorneys for Opposer Kohler Co.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing Rule 26 Initial Disclosures is being served, by United States Postal Service, postage prepaid, upon:

Michael J. Bevilacqua, Esq.
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, MA 02109-1800

on this 8th day of February, 2012.

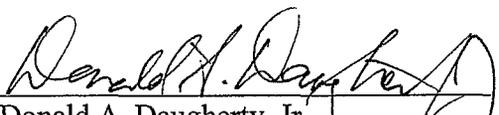

Donald A. Daugherty, Jr.
Attorney for the Opposer, Kohler Co.

EXHIBIT F

01/09/12

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



Briggs & Stratton Corporation,)
)
 Opposer)
)
 v.)
)
 Honda Giken Kogyo Kabushiki Kaisha)
 (Honda Motor Co., Ltd.),)
)
 Applicant)
 _____)

Opposition No. 91/200832

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

**OPPOSER'S RESPONSES TO APPLICANT'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS**

Opposer Briggs & Stratton Corporation ("Opposer") hereby responds to Applicant Honda Motor Co., Ltd's ("Applicant") First Set of Requests for Production of Documents as follows:

General Objections

1. Opposer objects to Applicant's definition of "Applicant's Mark" as vague and ambiguous to the extent it includes the phrase "any other mark used by Applicant that is a colorable imitation of the mark."
2. Opposer objects to the Applicant's definition of "Opposer's Products" as argumentative and inaccurate to the extent it infers that Opposer's 550 Series of engines, or any

other engines manufactured or sold by Opposer, have a design that is "substantially similar" to "Applicant's Mark."

3. Opposer objects to the extent the Document Requests ("Requests") seek material protected from disclosure by the attorney-client privilege, attorney work-product rule, other applicable privileges (hereinafter, collectively "Privileged Information"), and/or obligations of confidentiality running to a third party.

4. Opposer objects to the Requests to the extent they seek to impose obligations beyond those provided in the Federal Rules of Civil Procedure.

5. Opposer objects to the extent the Requests seek documents that are of public record and are, therefore, equally accessible to Applicant.

6. Opposer objects to the extent the Requests seek documents that are not under the possession and control of Opposer or seek documents that are not Briggs & Stratton documents or related only to Opposer's products.

7. Opposer objects to the extent the Requests seek information that is trade secret or other confidential research, development or commercial business information.

8. Opposer objects to the Requests to the extent they are not limited to any reasonably relevant time period and to the extent that because they are unlimited, they are overbroad, impose an undue burden and are not likely to lead to the discovery of admissible information.

9. All responses given herein are made subject to each and every general objection, and to the specific objections made in response to the Requests. In providing a response, Opposer has not waived any objection on the grounds of competency, relevancy, materiality, privilege, admissibility as evidence, or any other ground in this or any other action. Nor has

Opposer waived its right to make additional objections to further discovery requests. Nor is any response to be deemed an admission or acknowledgment that the information sought is within the proper scope of discovery.

10. Opposer objects to all introductory instructions and definitions to Applicant's Document Requests to the extent the instructions or definitions purport to enlarge, expand, or alter in any way the plain meaning and scope of any specific document request on the ground that such enlargement, expansion, or alteration renders said document request vague, ambiguous, unintelligible, unduly broad and uncertain.

11. Opposer objects to each Request to the extent it purports to require Opposer to obtain information outside of its possession, custody, and control from other persons or entities.

12. Opposer reserves the right to modify, amend or supplement its General Objection and any additional specific objections provided below.

13. Opposer reserves the right to supplement these responses during the course of discovery as additional information is ascertained.

REQUESTS

REQUEST FOR PRODUCTION NO. 1:

All documents which Opposer was asked to identify in Applicant's First Set of Interrogatories to Opposer.

RESPONSE: Opposer incorporates herein by reference its responses and objections to Applicant's First Set of Interrogatories. Subject to and without waiving the foregoing objections, Opposer will produce all nonprivileged documents identified in its Responses to Applicant's First Set of Interrogatories.

REQUEST FOR PRODUCTION NO. 2:

To the extent that Opposer contends that Applicant's Mark is nondistinctive, all documents that support or relate to that contention.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive. Opposer further objects to this document request as premature to the extent it seeks information that will be the subject of expert opinion. Opposer further objects to the document request to the extent it seeks production of Privileged Information. Subject to and without waiving the foregoing objections, Opposer will produce all nonprivileged documents that it intends to rely upon in support of its contention that Applicant's Mark is nondistinctive.

REQUEST FOR PRODUCTION NO. 3:

To the extent that Opposer contends that Applicant's Mark lacks secondary meaning, all documents that support or relate to that contention.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive. Opposer further objects to this document request as premature to the extent it seeks information that will be the subject of expert opinion. Opposer further objects to the document request to the extent it seeks production of Privileged Information. Subject to and without waiving the foregoing objections, Opposer will produce all nonprivileged documents that it intends to rely upon in support of its contention that Applicant's Mark lacks secondary meaning.

REQUEST FOR PRODUCTION NO. 4:

To the extent that Opposer contends that Applicant's Mark is functional, all documents that support or relate to that contention.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive. Opposer further objects to this document request as premature to the extent it seeks information that will be the subject of expert opinion. Opposer further objects to the document request to the extent it seeks production of Privileged

Information. Subject to and without waiving the foregoing objections, Opposer will produce all nonprivileged documents that it intends to rely upon in support of its contention that Applicant's Mark is functional.

REQUEST FOR PRODUCTION NO. 5:

To the extent that Opposer contends that Applicant has not used Applicant's Mark as a trademark, all documents that support or relate to that contention.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive, irrelevant to the subject matter of this action and not likely to lead to the discovery of admissible evidence. Opposer further objects to the document request to the extent it seeks production of Privileged Information.

REQUEST FOR PRODUCTION NO. 6:

All documents concerning Opposer's first use of each version or type of Opposer's Products.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive, irrelevant to the subject matter of this action and not likely to lead to the discovery of admissible evidence. Opposer further objects to the document request to the extent it seeks production of Privileged Information.

REQUEST FOR PRODUCTION NO. 7:

For each product identified in response to Interrogatory Number 4, all documents evidencing or relating to such product, such as documents for each year of use and documents related to the manufacturing, sale, and offering for sale for such product.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive, irrelevant to the subject matter of this action and not likely to lead to the discovery of admissible evidence. Opposer further objects to the document request to the extent it seeks production of Privileged Information.

REQUEST FOR PRODUCTION NO. 8:

All documents concerning any communications that Opposer, or anyone acting on behalf of Opposer, has had concerning Applicant, Applicant's Mark, any aspect of Applicant's Mark or this proceeding, including any minutes, notes, or other records of any meetings at which any of these subjects were discussed.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive, irrelevant to the subject matter of this action and not likely to lead to the discovery of admissible evidence. Opposer further objects to the document request to the extent it seeks production of Privileged Information.

REQUEST FOR PRODUCTION NO. 9:

All documents concerning the selection, adoption, and use of any aspect of Applicant's Mark by Opposer, including but not limited to the decision by Opposer to use, manufacture, sell, or offer for sale Opposer's Products in the United States.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive, irrelevant to the subject matter of this action and not likely to lead to the discovery of admissible evidence. Opposer further objects to the document request to the extent it seeks production of Privileged Information.

REQUEST FOR PRODUCTION NO. 10:

For each product identified in response to Interrogatory Number 4 of Applicant's First Set of Interrogatories to Opposer, all documents evidencing the following:

- a. the name and description of the product;
- b. the date on which Opposer first used, manufactured, sold, offered to sell, or expects to use, manufacture, sell, or offer to sell the product in the United States, and if applicable, the date on which such product ceased to be used, manufactured, sold, or offered to sell in the United States;
- c. the minimum price at which the product has been offered for sale and sold in each year since it was introduced;

- d. the use(s) for the product;
- e. in terms of units, the volume of sales of the product in each year of use since it was introduced, and the anticipated volume of sales for the next three years;
- f. in terms of dollars, the volume of sales of the product in each year of use since it was introduced, and the anticipated volume of sales for the next three years;
- g. the profits, losses, expenses and costs of the product in each year since it was introduced and the anticipated profits, losses, expenses and costs of the product for the next three years.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive, irrelevant to the subject matter of this action and not likely to lead to the discovery of admissible evidence. Opposer further objects to the document request to the extent it seeks production of Privileged Information.

REQUEST FOR PRODUCTION NO. 11:

For each product identified in response to Interrogatory Number 4 of Applicant's First Set of Interrogatories to Opposer, to the extent that Opposer is not the manufacturer of the product, all documents evidencing the following:

- a. the manufacturer, wholesaler, distributor or importer from whom Opposer obtained the product;
- b. the price Opposer paid for the product; and
- c. the number of units of the product that Opposer has received.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive, irrelevant to the subject matter of this action and not likely to lead to the discovery of admissible evidence. Opposer further objects to the document request to the extent it seeks production of Privileged Information.

REQUEST FOR PRODUCTION NO. 12:

All documents concerning any plans or proposals Opposer has, ever had or considered for the expansion or contraction of its use of Opposer's Products (including new versions of

Opposer's Products), including, but not limited to, any plans, proposals or considerations for offering new Opposer's Products or discontinuing the sale of Opposer's Products (including new versions of Opposer's Products).

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive, irrelevant to the subject matter of this action and not likely to lead to the discovery of admissible evidence. Opposer further objects to the document request to the extent it seeks production of Privileged Information.

REQUEST FOR PRODUCTION NO. 13:

All documents which relate or pertain in any manner to any advertisements or promotions of Opposer's Products and Opposer's business related to Opposer's Products, including but not limited to specimens of each and every advertisement or promotion used by Opposer in connection with Opposer's Products.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive, irrelevant to the subject matter of this action and not likely to lead to the discovery of admissible evidence. Opposer further objects to the document request to the extent it seeks production of Privileged Information.

REQUEST FOR PRODUCTION NO. 14:

All documents that refer or relate to the use by any person, other than Applicant and Opposer, of any engine design which consists of any colorable imitation or variation of Applicant's Mark.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive, irrelevant to the subject matter of this action and not likely to lead to the discovery of admissible evidence. Opposer further objects to the document request to the extent it seeks production of Privileged Information. Subject to and without waiving the foregoing objections, Opposer will produce representative nonprivileged responsive documents within its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 15:

All documents relating to, embodying the results of, or referring to any survey or research activity that you conducted or had others conduct on your behalf related to Applicant's Mark, a Honda engine embodying Applicant's Mark or Opposer's Products.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive, irrelevant to the subject matter of this action and not likely to lead to the discovery of admissible evidence. Opposer further objects to this document request as premature to the extent it seeks information that will be the subject of expert opinion. Opposer further objects to the document request to the extent it seeks production of Privileged Information.

REQUEST FOR PRODUCTION NO. 16:

All documents referring or relating to Opposer's past and present trademark registrations and/or applications (federal, state and foreign) for any engine design.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive, irrelevant to the subject matter of this action and not likely to lead to the discovery of admissible evidence. Opposer further objects to the document request to the extent it seeks production of Privileged Information.

REQUEST FOR PRODUCTION NO. 17:

All documents referring or relating to third party engine designs that Opposer claims are more similar in appearance to Applicant's Mark than Opposer's Products.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive, irrelevant to the subject matter of this action and not likely to lead to the discovery of admissible evidence. Opposer further objects to the document request to the extent it seeks production of Privileged Information.

REQUEST FOR PRODUCTION NO. 18:

All documents relating to the selection, adoption, use, registration or defense of any aspect of the design of Opposer's Products.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive, irrelevant to the subject matter of this action and not likely to lead to the discovery of admissible evidence. Opposer further objects to the document request to the extent it seeks production of Privileged Information.

REQUEST FOR PRODUCTION NO. 19:

All documents establishing the volume, dates, places of sales, advertising, distribution, and annual gross income derived from Opposer's Products in the United States.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive, irrelevant to the subject matter of this action and not likely to lead to the discovery of admissible evidence. Opposer further objects to the document request to the extent it seeks production of Privileged Information.

REQUEST FOR PRODUCTION NO. 20:

All documents relating to Opposer's merchandising and promotional strategy for Opposer's Products.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive, irrelevant to the subject matter of this action and not likely to lead to the discovery of admissible evidence. Opposer further objects to the document request to the extent it seeks production of Privileged Information.

REQUEST FOR PRODUCTION NO. 21:

To the extent not included in previous requests, all contracts between Opposer and third parties which refer or relate to the design or manufacture of Opposer's Products.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive, irrelevant to the subject matter of this action and not likely to lead to the discovery of admissible evidence. Opposer further objects to the document request to the extent it seeks production of Privileged Information.

REQUEST FOR PRODUCTION NO. 22:

All documents concerning the business plans or strategies for use of the Opposer's Products in the United States, including but not limited to any business plans or strategies concerning the use, manufacture, sale or offering for sale of the Opposer's Products.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive, irrelevant to the subject matter of this action and not likely to lead to the discovery of admissible evidence. Opposer further objects to the document request to the extent it seeks production of Privileged Information.

REQUEST FOR PRODUCTION NO. 23:

All documents evidencing the principal competitors in the business in which Opposer does business in connection with Opposer's Products.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive, irrelevant to the subject matter of this action and not likely to lead to the discovery of admissible evidence. Opposer further objects to the document request to the extent it seeks production of Privileged Information.

REQUEST FOR PRODUCTION NO. 24:

All documents identifying the channels of trade through which Opposer's Products reach or will reach the ultimate consumer in the United States.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive, irrelevant to the subject matter of this action and not likely to lead to the discovery of admissible evidence. Opposer further objects to the document request to the extent it seeks production of Privileged Information.

REQUEST FOR PRODUCTION NO. 25:

All documents concerning or embodying the results of any research that Opposer conducted or had others conduct on its behalf concerning its market position, Applicant's Mark, any Honda engine embodying Applicant's Mark, or any product identified in its response to Interrogatory No. 4.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive, irrelevant to the subject matter of this action and not likely to lead to the discovery of admissible evidence. Opposer further objects to the document request to the extent it seeks production of Privileged Information.

REQUEST FOR PRODUCTION NO. 26:

All documents concerning efforts by Opposer or by anyone acting on behalf of Opposer, to design, research, develop, create, manufacture, sell or offer to sell Opposer's Products in the United States.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive, irrelevant to the subject matter of this action and not likely to lead to the discovery of admissible evidence. Opposer further objects to the document request to the extent it seeks production of Privileged Information.

REQUEST FOR PRODUCTION NO. 27:

All documents concerning Opposer's actual or projected share of the market in the United States for small gasoline-powered engines, generators and other products incorporating small gasoline-powered engines in the United States.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive, irrelevant to the subject matter of this action and not likely to lead to the discovery of admissible evidence. Opposer further objects to the document request to the extent it seeks production of Privileged Information.

REQUEST FOR PRODUCTION NO. 28:

All documents concerning the purchase by Opposer or by anyone acting on behalf of Opposer, of a Honda engine embodying Applicant's Mark.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive, irrelevant to the subject matter of this action and not likely to lead to the discovery of admissible evidence. Opposer further objects to the document request to the extent it seeks production of Privileged Information.

REQUEST FOR PRODUCTION NO. 29:

All documents reflecting the use by customers, retailers, distributors, and end users of any Opposer's Products.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive, irrelevant to the subject matter of this action and not likely to lead to the discovery of admissible evidence. Opposer further objects to the document request to the extent it seeks production of Privileged Information.

REQUEST FOR PRODUCTION NO. 30:

All documents constituting or reflecting the plan or strategies of any Opposer's Products regarding competition with Applicant or its distributors, dealers, OEMs, or other retailers in the market for small gasoline-powered engines, generators and other products incorporating small gasoline-powered engines in the United States.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive, irrelevant to the subject matter of this action and not likely to lead to the discovery of admissible evidence. Opposer further objects to the document request to the extent it seeks production of Privileged Information.

REQUEST FOR PRODUCTION NO. 31:

All documents concerning any differences or similarities between Opposer's Products and any Honda engine embodying the Applicant's Mark.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive, irrelevant to the subject matter of this action and not likely to lead to the discovery of admissible evidence. Opposer further objects to the document request to the extent it seeks production of Privileged Information.

REQUEST FOR PRODUCTION NO. 32:

All documents referring to Applicant, including but not limited to documents referring or relating to Applicant's Mark.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive, irrelevant to the subject matter of this action and not likely to lead to the discovery of admissible evidence. Opposer further objects to the document request to the extent it seeks production of Privileged Information.

REQUEST FOR PRODUCTION NO. 33:

All documents concerning each opinion of counsel that Opposer, or anyone acting on behalf of Opposer, has received concerning the validity, enforceability or infringement of Applicant's Mark.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive, irrelevant to the subject matter of this action and not likely to lead to the discovery of admissible evidence. Opposer further objects to the document request to the extent it seeks production of Privileged Information.

REQUEST FOR PRODUCTION NO. 34:

To the extent that Opposer contends that the customer of Applicant's engines embodying the Applicant's Mark and Opposer's Products are sophisticated consumers, all documents that support or relate to that contention.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive, irrelevant to the subject matter of this action and not likely to lead to the discovery of admissible evidence. Opposer further objects to the document request to the extent it seeks production of Privileged Information.

REQUEST FOR PRODUCTION NO. 35:

All documents that relate in any way to the subject matter, fact and/or circumstances as to which each such person who Opposer presently intends to call as a witness at the trial of this matter is expected to testify.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive, irrelevant to the subject matter of this action and not

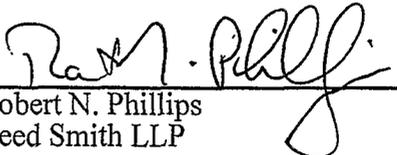
likely to lead to the discovery of admissible evidence. Opposer further objects to the document request to the extent it seeks production of Privileged Information.

REQUEST FOR PRODUCTION NO. 36:

2. All correspondence or other communication between Opposer and its advertising agencies referring or relating to Applicant's Mark.

RESPONSE: Opposer objects to this document request as vague and ambiguous, overbroad, burdensome and oppressive, irrelevant to the subject matter of this action and not likely to lead to the discovery of admissible evidence. Opposer further objects to the document request to the extent it seeks production of Privileged Information. Subject to and without waiving the foregoing objections, Opposer will produce responsive nonprivileged communications between Opposer and its advertising agencies, if any, regarding Applicant's claim that its alleged mark has acquired distinctiveness and is not functional.

January 3, 2012

By: 
Robert N. Phillips
Reed Smith LLP

Nina Habib Borders
Reed Smith LLP

Attorneys for Opposer
BRIGGS & STRATTON
CORPORATION

Certificate of Service

In accordance with Rule 2.105(a) of the Trademark Rules of Practice, as amended, it is hereby certified that a true copy of the foregoing OPPOSER BRIGGS & STRATTON CORPORATION'S RESPONSES TO APPLICANT'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS was served on the following counsel of record for Applicant, by depositing same in the U.S. mail, first class postage prepaid, this 3rd day of January, 2012:

Michael J. Bevilacqua, Esq.
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, MA 02109-1800
Phone: (617) 526-6448
Fax: (617) 526-5000



Deborah L. Kalahale

EXHIBIT G



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9HP 270cc Horizontal 1" x 3-21/32" Shaft, Fuel Tank, Muffler, Recoil Start, Low Oil Shutdown

Product Number: **Dewalt-270-R**
270cc 4-Cycle OHV
Overhead Valve Design
Cast Iron Cylinder Sleeve
 Mounting: **Horizontal**
 Electric Start: **No**
Low Oil Shutdown
 Fuel Tank: **Included**
 Shaft Size: **1"Dx3-1/4"L**
 Muffler: **Included**
 Manifold:
 Height: **17"**
 Depth (Less Shaft): **13"**
 Width: **19"**
 Shipping Weight: **45 Pounds**
 Dimensional Weight: **73 Pounds**

Condition: **New (Scratch/Dent)**
 Warranty: **2-Year Manufacturer's Warranty**
 Returns: **Limited Allowed**

Will replace Vanguard and Honda engines on most applications. Note: The side bolt hole pattern is 3 1/2" square pattern around the shaft.

Our Low Price: **\$375.00**
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2-Day Service : FedEx 2Day	\$65.95
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Enter your zip code: <input type="text" value="47336"/> <input style="margin-left: 10px;" type="button" value="Go!"/>	
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Made by DeWalt

13HP 389 cc Horizontal 1" x 3 1/4" Shaft, Fuel Tank, Muffler, Recoil Start, Low Oil Shutdown



Product Number: **Dewalt-389-R**

389cc 4-Cycle OHV Overhead Valve Design Cast Iron Cylinder Sleeve

Mounting: **Horizontal**

Electric Start: **No**

Low Oil Shutdown

Fuel Tank: **Included**

Shaft Size: **1"Dx3-1/4"L**

Muffler: **Included**

Manifold:

Height: **17"**

Depth (Less Shaft): **13"**

Width: **19"**

Shipping Weight: **45 Pounds**

Dimensional Weight: **73 Pounds**

Condition: **New**

Warranty: **2-Year Manufacturer's Warranty**

Returns: **Limited Allowed**

Will replace Vanguard and Honda engines on most applications

Our Low Price: **\$425.00**

20 In Stock (Subject to Prior Sale)

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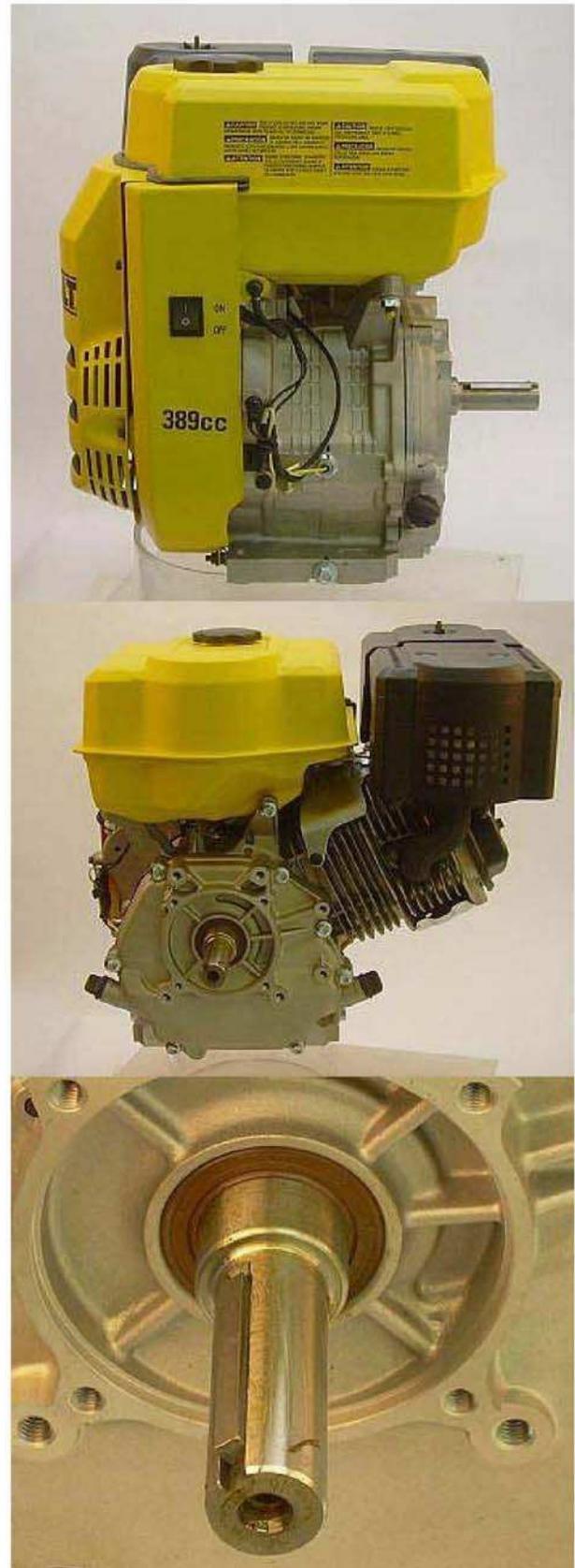
Ground Transit Times: FedEx Ground	\$3.00
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EARTHQUAKE LOG SPLITTER 27 TON 398CC VIPER ELECTRIC START W2813V

The Earthquake W2813V 27 ton log splitter delivers maximum log splitting power. With 27 tons of splitting force and a 389 cc high performance electric start Viper engine, there isn't a job this log splitter can't handle.

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STRING TRIMMERS - NEW!

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FRONT TINE ROTOTILLERS

REAR TINE ROTOTILLERS

EDGERS

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Tons of Splitting Force!



Viper Power

The 389cc Viper engine delivers maximum power to handle 27 tons of splitting force.

Log Splitting Protection

Steel cage around the engine protects it from falling logs. Standard fenders and log cradle add even more protection where it's needed most.

Earthquake Log Splitter - 27 Ton with 389cc Viper engine Model #W2813V

- Large 26" log capacity makes for faster splitting
- Horizontal and vertical splitting positions
- Two-stage pump
- Pump kicks out up to 16 gallons per minute for fast splitting and minimum cycle time
- Large hydraulic oil capacity for cooler operation
- Auto return valve
- Offers 16 second cycle time
- Replaceable spin-on filter



Versatility

For heavy logs, the vertical orientation allows you to split logs without having to lift them up onto the

cradle.



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REAR TINE ROTOTILLER CRT W/ 196CC ELECTRIC START VIPER ENGINE 6065VEC

The Earthquake 6065VEC rear tine rototiller features counter rotating tines (CRT) which allow it to work through tough soil conditions. The CRT technology pulls forward against the counter rotating tines providing the power to tear up sod and heavy uncultivated soil.

[DETAILS](#)



REAR TINE ROTOTILLER CRT WITH 206CC BRIGGS AND STRATTON ENGINE 5055C

The Earthquake 5055c rear tine rototiller features counter rotating tines (CRT) which allow it to work through tough soil conditions. The CRT technology pulls forward against the counter rotating tines providing the power to tear up sod and heavy uncultivated soil. This tiller is ideal for preparing soil that has never been tilled previously.

[DETAILS](#)



REAR TINE ROTOTILLER SRT WITH 206CC BRIGGS AND STRATTON ENGINE 7055C

The Earthquake 7055C packs a 206 cc Briggs & Stratton Intek IC to deliver the power required for heavy duty tilling. Isovibe adjustable drag stake technology allows for tilling at three different depths making it easy to maintain the depth of tilling you require throughout your garden.

[DETAILS](#)



REAR TINE ROTOTILLER CRT W/ 196CC VIPER ENGINE 6015V

The new Earthquake 6015V delivers the ultimate combination of power and size. We have engineered a rear tine rototiller with the same 196cc Viper power as it's counterparts, but have been able to classify it as compact.

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389cc Electric Start OHV Horizontal Replacement Engine



Model #61301

338cc Electric Start OHV Horizontal Replacement Engine



Model #61151

196cc OHV Horizontal Replacement Engine



Model #66504

118cc OHV Horizontal Replacement Engine



Model #64001

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JD has become known as the leader in creating **four-stroke** engines that are reliable,technologically advanced and easy to start

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JD engines meet current **CARB** and **EPA** standards and offer enhanced performance,all with no change to existing external dimensions,And all JD engines are produced in manufacturing facilities th at are certified to **ISO9001** standards

JD's Full Line of Engines				
Gasoline Engine				
JF120 4HP	JF168K 4HP	JFV120 4HP	JFV120 4HP	JF168K 4HP
JFV140 4.5HP	JFV140 4.5HP	JF200K 5HP	JF200K 5HP	JF168C 5.5HP
JFV160 5.5HP	JF168 5.5HP	JF168C 5.5HP	JF168 5.5HP	JFV160 5.5HP
JF200C 6.5HP	JF200 6.5HP	JF200 6.5HP	JF200C 6.5HP	JF240 8HP
JF240 8HP	JF270 9HP	JF270C 9HP	JF270 9HP	JF270C 9HP
JF340 11HP	JF340 11HP	JFV340 11HP	JFV340 11HP	JF390 13HP
JF390 13HP				
Diesel Engine				
TY395E3 22.1KW	TY395E2 22.1KW	TY395E3 22.1KW	TY395E2 22.1KW	TY395E1 25.7KW
TY395E1 25.7KW				
Tradition series				
JD186F/E	ZH1130	JD170F/E	ZH1125	ZH1120
ZH1115	ZS1115	ZH1110	ZS1110	ZH1105
ZH1100	S1100ND	S195	ZH196	JD195
JD190	JD185NLD	JD173	JD170	R175
R180NL	S195NL	JD165F	JD170F	
SDF series				
ZH1125	ZH1105			
JD Series				
JD230	JD330	JD350	JD300	
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ZH1105	ZH1120	ZH1110		
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ZS1110	ZS1115			

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Kawasaki Horizontal 8 HP OHV Engine 1" x 3-21/32" #FE250D-DS09



8hp Kawasaki OHV- Horizontal Shaft
1" x 3-21/32" shaft, tapped 7/16" with 1/4" keyway.
Fuel shutoff valve, fuel gauge, manual choke, low oil device
Universal replacement engine.
3 year consumer/ 2 year commercial warranty from Kawasaki.
Model FE250D-DS09.

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\$21.95

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Command PRO Horizontal

7 hp CH270

An Industry Leader in Performance Engineering



We're breaking new ground with the KOHLER Command PRO Horizontal engine. Our patented Quad-Clean™ technology is the industry's only four-stage all-season cyclonic air filtration system, ideal for harsh weather and work conditions. In addition, these engines are backed by an industry's best 3 year commercial warranty.

- Quad-Clean™ technology, industry's only four-stage all-season cyclonic air filtration system, doubles as a warm air intake system for optimal operation in colder conditions.
- Overhead valve technology and high inertia flywheel deliver peak power performance.
- Large recoil starter and dual ball bearings provide easier starts. While dual oil fills and drains make engine servicing easier.
- Interference-free PTO face provides flexibility to power any application.

- Utility Equipment

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Command PRO Horizontal Engines

Model No.	HP	Shaft	Cylinders	Cooling	Fuel Type	Status
-----------	----	-------	-----------	---------	-----------	--------

•	CH270	7	Horizontal	Single	Air	Gasoline	New
•	CH395	9.5	Horizontal	Single	Air	Gasoline	New
•	CH440	14	Horizontal	Single	Air	Gasoline	New





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**CMXX 208**

- Patented CMXX™ Series Design
- 208cc Displacement
- 9.5 ft-lbs Gross Torque*
- Over Head Valve (OHV)
- Large Capacity Metal Fuel Tank
- Sound Pressured Low Noise Muffler
- Dual Ball Bearings - C/I Sleeve
- EPA and ARB Approved Models
- Electric & Manual Start Options

**CMXX 291**

- Patented CMXX™ Series Design
- 291cc Displacement
- 14.5 ft-lbs Gross Torque*
- Over Head Valve (OHV)
- Large Capacity Metal Fuel Tank
- Sound Pressured Low Noise Muffler
- Dual Ball Bearings - C/I Sleeve
- EPA and ARB Approved Models
- Electric & Manual Start Options

**CMXX 414**

- Patented CMXX™ Series Design
- 414cc Displacement
- 18.5 ft-lbs Gross Torque*
- Over Head Valve (OHV)
- Large Capacity Metal Fuel Tank
- Sound Pressured Low Noise Muffler
- Dual Ball Bearings - C/I Sleeve
- EPA and ARB Approved Models
- Electric & Manual Start Options

*All torque ratings are are stated ft-lbs per SAE J1940

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**Maxx 208**

- Patented Maxx™ Series Design
- 208cc Displacement
- 8.5 ft-lbs Gross Torque*
- Over Head Valve (OHV)
- Low Oil Sensor
- Dual Ball Bearings
- Cast Iron Sleeve
- EPA and ARB Approved Models
- Electric & Manual Start Options

**Maxx 291**

- Patented Maxx™ Series Design
- 291cc Displacement
- 13 ft-lbs Gross Torque*
- Over Head Valve (OHV)
- Dual Ball Bearings
- Cast Iron Sleeve
- EPA and ARB Approved Models
- Electric & Manual Start Options

**Maxx 414**

- Patented Maxx™ Series Design
- 414cc Displacement
- 18.0 ft-lbs Gross Torque*
- Over Head Valve
- Dual Ball Bearings
- Cast Iron Sleeve
- EPA and ARB Approved Models
- Electric & Manual Start Options

*All torque ratings are are stated ft-lbs per SAE J1940

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PUMP PRO 2TWPCA (LF2TWPCA)

- 2" Semi-Trash Water Pump - For moving water with light trash. Removable Housing for Quick and Easy Cleanout

6.5hp OHV Industrial Grade Engine w/compression release for E-Z Starting

2" Inlet/Outlet

Heavy Duty Cast Aluminum Housing w/quick release cleavaces for clean-out

Cast Iron Volute and Impeller

9,500 Gallons Per Hour

26' Suction Lift

95' Maximum Head

Optional Wheel Kit Available



Spec Sheet

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[PUMP PRO 3TWP & 3TWPCA \(http://www.lifanpowerusa.com/?p=343\)](http://www.lifanpowerusa.com/?p=343)

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http://www.lifanpowerusa.com/wp-content/uploads/2011/07/storm-waterpumps-3twp_lq.jpg **PUMP PRO 3TWP (LF3TWP)**

PUMP PRO 3TWPCA (LF3TWPCA)

- 3" Full Trash Pump - For moving all water with debris. Will pull through and grind debris up to 1.5" in diameter. Removable housing for quick and easy cleanout

9hp OHV Industrial Grade Engine w/compression release for E-Z Starting

2" Inlet/Outlet

Heavy Duty Cast Aluminum Housing w/quick release cleavaces for clean-out

Cast Iron Volute and Impeller

21,600 Gallons Per Hour

26' Suction Lift

96' Maximum Head

Optional Wheel Kit Available



Spec Sheet

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Pro Series – Pressure Washers



[PRESSURE PRO 3500 & 3500CA](http://www.lifanpowerusa.com/?p=315)

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[lg.jpg](#) **PRESSURE PRO 3500** (LFQ3513)

PRESSURE PRO 3500CA (LFQ3513CA)

This pressure washers is compact for easy storage and portable to reach any point. It comes equipped with Industrial Grade 13hp Lifan Engine, Compression Release Valve for easy "1 pull starting," Direct Drive Ceramic Piston Pump, 4 Gallons Per Minute Delivery at 3500 lbs per square inch, 33 ft. non marking High Pressure Hose with Quick Connect Couplings, 3 ft. Spray Wand with 5 variable degree with Quick Connect Tips.

- 13hp OHV Industrial Grade Engine with Compression Release for E-Z Starting
- Heavy Duty Frame w/Never Flat Foam Filled Tires
- 33' Non-Marking High Pressure Hose
- AR 3 stage High Pressure Pump with Quick Connect Inlet/Outlet Fittings
- 3' Quick Connect Wand
- 5 Pressure Tips from 0 degree to Soaper
- 4 Gallons Per Minute
- 14,000 Cleaning Units



Spec Sheet

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[PRESSURE PRO 3000 & 3000CA \(http://www.lifanpowerusa.com/?p=308\)](http://www.lifanpowerusa.com/?p=308)

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[lg.jpg](#) **PRESSURE PRO 3000**
PRESSURE PRO 3000CA

This pressure washers is compact for easy storage and portable to reach any point. It comes equipped with Industrial Grade 6.5hp Lifan Engine, Compression Release Valve for easy "1 pull starting," Direct Drive Pressure Pump, 2.5 Gallons Per Minute Delivery at 2500 lbs per square inch, 33 ft. non marking High Pressure Hose with Quick Connect Couplings, 3 ft. Spray Wand with 5 variable degree with Quick Connect Tips.

- 9hp OHV Industrial Grade Engine with Compression Release for E-Z Starting
- Heavy Duty Frame w/ Never Flat Foam Filled Tires
- 33' Non-Marking High Pressure Hose
- AR 3 stage High Pressure Pump with Quick Connect Inlet/Outlet Fittings
- 3' Quick Connect Wand
- 5 Pressure Tips from 0 degree to Soaper
- 3.5 Gallons Per Minute
- 10,500 Cleaning Units



Spec Sheet

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General-purposed Engine Division Department, which belongs to Chongqing RATO Power Co., Ltd., was established in 2009. To meet the technology development requirements in current general-purposed machinery market, RATO has brought in modern manufacturing and management, implemented general quality management and been certified of ISO/TS16949 : 2002 Quality Management System, all of which are originated from practice. RATO products have been exported to 80 countries and regions including America, Germany, France, Spain, Mexico, Argentina, Turkey, and Nigeria, winning high international praise for “made in China.”



General Purpose Engine

Through cooperation with foreign experienced professional R&D institutions and independent research and development of products, RATO products including 15.HP-22HP vertical-shaft, horizontal-shaft general-purposed gasoline engines make comprehensive progress on power, torque, fuel consumption, emission, noise and lightweighing, and meet the future competition demands of the middle and high end markets in North America and Europe. OHC and double-cylinder general-purposed gasoline engines, which are co-developed with foreign enterprises, have reached world-class levels.



Generator

With RATO high-quality engines and high-specification parts, RATO generators are easy to handle, of high safety performance and long service life, providing excellent, reliable power output for customers.



Water Pump

With RATO high-quality engines, RATO water pumps are of excellent reliability and high performance/price ratio. With free CEC technology, the rust protection of the frame had been enhanced greatly.



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Suburban Mid-Tine® Tillers



The Suburban Tiller is the choice of serious gardeners. The Mid-Tine® Suburban offers superior handling and better weight balance when compared to front tine tillers. The Suburban is great for just about any size garden, whether you need to break new ground, expand or create a new garden, or if you have a mature garden, the Suburban is right for you.

The Suburban features a double gear reduction transmission allowing the tiller to bust through just about any ground. The drag bar and wheel are easily adjusted with the simple pull of a pin. Pull one pin to release the wheels, lift them to the up position and insert another pin. The drag bar can be adjusted for different soils.



Once the wheels are up and the drag bar is down, adjust the throttle from the operator's position, squeeze the clutch handle and start tilling. The Suburban tills a 26 inch wide swath and can till up to 12 inches deep.



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Engine	B&S 8.0 Gross Torque OHV	B&S 8.0 Gross Torque OHV IC	Subaru EX17 Industrial OH Cam	HONda GX160 Commercial
Engine CC's	205	205	169	163
Tines	Slasher	Slasher	Slasher	Slasher
Tilling Depth	12"	12"	12"	12"
Tilling Width	14", 26", or 37"	14", 26", or 37"	14", 26", or 37"	14", 26", or 37"
Transmission	Roller chain and sprocket	Roller chain and sprocket	Roller chain and sprocket	Roller chain and sprocket
Frame	Structural steel	Structural steel	Structural steel	Structural steel
Drag Bar	Adjustable	Adjustable	Adjustable	Adjustable
Hitch	Cast iron	Cast iron	Cast iron	Cast iron
Start	Manual	Manual	Manual	Manual
Weight (lbs.)	143	143	143	143
Machine Warranty	2 yrs. consumer, 90 day commercial	2 yrs. consumer, 90 day commercial	2 yrs. consumer, 90 day commercial	2 yrs. consumer, 90 day commercial
Engine Warranty	2 yrs. consumer, 90 day commercial	2 yrs. consumer, 1 yr. commercial	3 yrs. limited	2 yrs. limited
MSRP*	\$999.00	\$1,099.00	\$1,199.00	\$1,479.00

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Utility Jacks

Semi-Trash Pump

Semi-Trash Pump



Description

SpeeCo's Semi-Trash Pump is equipped with a powerful 6.5 H.P. Kohler engine to deliver maximum gallons per minute.

Product Specs

- Engine: 6.5H.P. Kohler Engine
- Inlet and Outlet Connections: 2" NPT
- Handles Solids: Up To 1/2"
- Durable Ductile Iron Impeller and Diffuser
- Delivery Volume: 167 GPM
- Suction Head: 30 FT.
- Lift Head: 110 FT.
- Speed: 3600 RPM

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Snow Power Series
5.7-9.5 HP

Vertical Shaft OHC
4.5-5.5 HP



SP Series
5.7-7 HP

Micro
1.1-1.6 HP



Overhead Cam
4.3-14 HP

OHV for Rammer
2.4-4 HP



OHV Slant Cylinder
11.5-13.5 HP

OHV Vertical Cylinder
6-11 HP



V-Twin
18-28 HP

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><http://www.barretomfg.com/>

Greg Barreto of Barreto manufacturing discusses how the features of the EX series engines have benefited his customers.



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SP Series 5.7-7 HP

Micro 1.1-1.6 HP



Overhead Cam 4.3-14 HP

OHV for Rammer 2.4-4 HP



OHV Slant Cylinder 11.5-13.5 HP

OHV Vertical Cylinder 6-11 HP



V-Twin 18-28 HP

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S40151000 - 10 Ton Log Splitter

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5 Ton Electric Splitter

10 Ton

15 Ton

22 Ton

25 Ton

28 Ton

35 Ton

3-Point Hitch

Accessories

Post Hole Diggers

Quick Hitch

Roller Chain

Description

SpeeCo's 10 Ton Log Splitter is equipped with a 212cc SpeeCo OHV engine to deliver maximum splitting force. A global leader in log splitting technology, SpeeCo offers the best features in the industry, making splitting wood quicker, easier and safer! A great value for the user who splits a few cords of wood a season. Including:

- Horizontal splitting
- Fast Cycle time for high production
- Balanced weight distribution for easy handling and smooth towing
- Cradle beam making splitting wood quicker, easier and safer

Product Specs

10-Ton Log Splitter Specs

- Engine: 6.5 H.P. SpeeCo OHV
- Pump: Single Stage, 2.5 GPM
- Cylinder: 2.75" diameter, 18" stroke
- Valve: Auto-Return
- Max Splitting Force: 10 tons
- Max Log Length: 18"
- Cycle Time: 19 Seconds
- Wheels: Low Speed Turf Tires
- Wedge: 5" High
- Hydraulic Capacity: 2.5 gallons
- Height: 36"
- Length: 65"
- Width: 34"

UltraFork

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Semi-Trash Pump

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Briggs & Stratton Vanguard 6.5hp



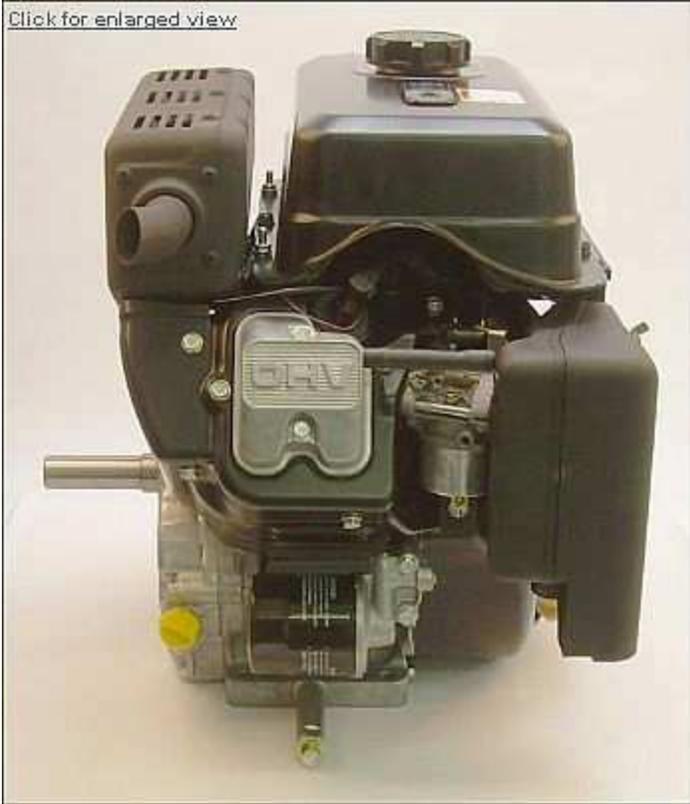
Briggs & Stratton Vanguard 9hp



Kawasaki FE250



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Kawasaki FE350



Yamaha MZ250



Tecumseh Powersport







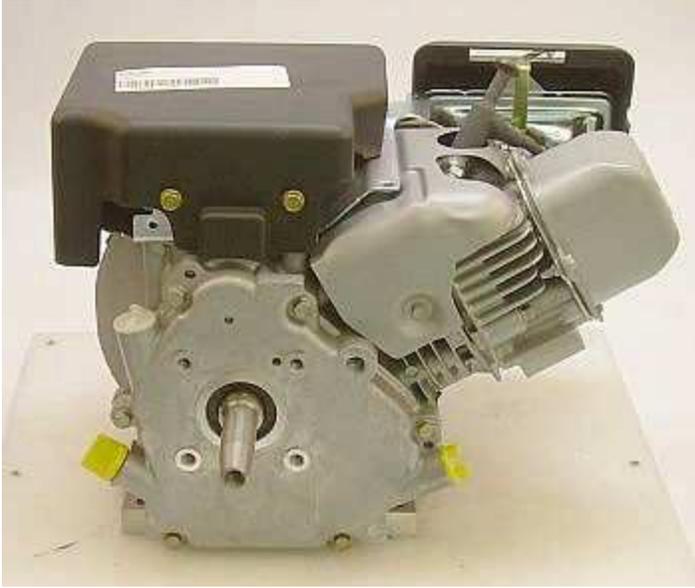




Briggs & Stratton Intek 6hp







Briggs & Stratton Intek







Tecumseh Snow King







Black & Decker 163cc

[Click for enlarged view](#)





Briggs & Stratton Vanguard 5.5hp







LCT



LCT

MD-EN24



MD-EN65



Color/Style may vary slightly

<http://www.m-and-d.com/MD-Engines.html>





Lifan 6.5hp





Lifan 6.5hp





J D Jiangdong



J D Jiangdong



J D Jiangdong



J D Jiangdong



Champion Engine from Costco





Water pump with a 6.5hp Viper Engine





2





FE290D 9.5 HP



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FE350D 11.5 HP



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EXHIBIT I

News from Honda



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For Immediate Release

Honda Introduces All-New Large GX and iGX Engines Series
New Engines Offer More Power, Better Fuel Economy and Low Noise

LAS VEGAS, Nev., February 2, 2010 – Honda today introduced an all-new generation of its versatile and reliable GX and iGX series of general purpose engines at the 2010 World of Concrete show in Las Vegas. The new generation GX Series, Honda's legendary family of commercial grade engines, brings improvements in power, fuel efficiency, emissions performance and quiet operation to the already popular engine line.

Featuring four all-new models, the large GX engine line combines increased power and versatility with greater fuel economy in the same envelope. The new GX240, GX270, GX340 and GX390 engine models are overhead valve (OHV) horizontal shaft engines that offer users durable power for a wide range of demanding commercial, construction and rental applications.

In addition to the new GX series, Honda is expanding its iGX series with an all-new iGX340 and iGX390 engine. The iGX series offers further enhancements to the GX series, incorporating an electronic self tuning regulator (STR) governor. Similar to GX, iGX engines are also (OHV) horizontal shaft engines, yet provide additional advanced technologies for more complex applications.

Honda GX Engines

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“Our new GX and iGX series of engines have been redesigned to provide more power and excellent fuel efficiency while reducing emissions and noise,” said Scott Conner, assistant vice president, Honda Engines. “The new GX and iGX bring an enhanced level of value and performance to our customers.”

Potential applications for the large GX series of engines include:

- Commercial Concrete Equipment
- Commercial Generators
- Water pumps
- Trenchers
- Chippers/shredders
- Air compressors
- Stump grinders
- Pressure washers
- Aerial lifts and platforms

The new large GX series of engines features a host of technologies and design elements that allow for improved power output. The new GX models produce 6 percent more power than previous models, making them among the most powerful engines in each of their respective categories. This additional power is achieved via an advanced combustion chamber design, the implementation of Digital Capacitive Discharge Ignition (CDI) with variable ignition timing, and an increased compression ratio.

Along with improved power, the new GX series of engines provides a significant reduction in noise and vibration, which is vital to end users of both commercial and residential engine applications. Noise has been reduced up to 5 decibels, making the new GX one of the quietest engines available in its class. A new reed-style breather valve and a new muffler design also contribute to the engine’s quiet operation, while a new light weight piston allows an optimized overbalance ratio for less operating vibration.

Although fuel efficiency is a key attribute of all Honda engines, fuel consumption in the new GX family of engines has been significantly improved for 2010. The new

Honda GX Engines

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large GX engines increase fuel efficiency by 12 percent. In addition to increased fuel efficiency, the new GX engines will meet the 2011 EPA exhaust emission regulations without the use of a catalyst.

The all-new *iGX* engine series features an integrated electronic control unit (ECU) using Honda STR governor technology. A long life multi layer gradient density-type air filter extends the air cleaner maintenance interval by 50 percent. Premium features such as an electronically controlled governor, fully automatic choke and an automotive style electric starter are standard on the *iGX* series engines.

Potential new applications and attributes of this technology include:

- pressure washers that automatically respond to the load when the user squeezes or releases the trigger handle;
- water pumps that can be automatically activated by a remote switch based on water level;
- generators that can automatically respond to load and adjust engine speed based on electrical draw.
- drive-by-wire applications, including utility vehicles, scissor lifts, ride-on trowels and other remotely operated products.

Honda is the world's preeminent engine maker, selling more than 24 million units globally in 2008 through a diverse array of automotive, motorcycle, and power equipment products. Honda engines are characterized by the same quiet and fuel-efficient technology that is behind the company's reputation for premium quality.

Honda GX Specifications

	GX240	GX270	GX340	GX390
Engine Type	Air-cooled, 4-Stroke, OHV, single cylinder			
Bore x Stroke	3.0" x 2.3" (77 x 58 mm)		3.5" x 2.5" (88 x 64 mm)	
Displacement	16 cu in (270 cm ³)		24 cu in (389 cm ³)	
Compression Ratio	8.5 : 1		8.2 : 1	
Net power (kW/rpm)*	7.9 hp (5.9 kW)	8.5 hp (6.3 kW)	10.7 hp (8.0 kW)	11.7 hp (8.7 kW)
Net Torque*	13.5 lbs ft (18.3 Nm)	14.1 lbs ft (19.1 Nm)	19.5 lbs ft (26.4 Nm)	
PTO Shaft Rotation	Counterclockwise (from PTO shaft side)			
Ignition System	Digital CDI with variable ignition timing			
Starting System	Recoil Starter			
Carburetor	Butterfly			
Lubrication System	Splash			
Governor System	Centrifugal Mass Type			
Air Cleaner	Dual Element			
Oil Capacity	1.16 US qt (1.1 L)			
Fuel Tank Capacity	5.6 US qt (GX240/GX270)		6.4 US qt (GX340/GX390)	
Evaporative Emissions	Low permeation hose and purge joint provided			
Exhaust Emissions	Certified for use in all 50 states			
Dimensions (L x W x H) Q-Shaft	15.0" (380 mm) x 16.9" (429 mm) x 16.6" (422 mm)		16.0" (407 mm) x 18.1" (459 mm) x 17.7" (449 mm)	
Dry Weight	55 lbs (25.0 kg)		69 lbs (31.5 kg)	

* The power rating of the engine indicated in this document is the net power output tested on a production engine for the engine model and measured in accordance with SAE J1349 at 3,600 rpm (net power) and at 2,500 rpm (Max net torque). Mass production engines may vary from this value. Actual power output for the engine installed in the final machine will vary depending on numerous factors, including the operating speed of the engine in application, environmental conditions, maintenance, and other variables.

Honda iGX Specifications

	iGX340	iGX390
Engine Type	Air-cooled, 4-Stroke, OHV, single cylinder	
Bore x Stroke	3.5" x 2.5" (88 x 64 mm)	
Displacement	24 cu in (389 cm ³)	
Compression Ratio	8.2 : 1	
Net power (kW/rpm)*	10.7 hp (8.0 kW)	11.7 hp (8.7 kW)
Net Torque*	19.5 lbs ft (26.4 Nm)	
PTO Shaft Rotation	Counterclockwise (from PTO shaft side)	
Ignition System	Digital CDI with variable ignition timing	
Starting System	Electric Starter	
Carburetor	Float type - Horizontal Butterfly	
Lubrication System	Splash	
Governor System	Electric STR (Self Tuning)	
Air Cleaner	Dual Element	
Oil Capacity	1.16 US qt (1.1 L)	
Fuel Tank Capacity	6.4 US qt (6.1 L)	
Evaporative Emissions	Low permeation hose and purge joint provided	
Exhaust Emissions	Certified for use in all 50 states	
Dimensions (L x W x H) Q-Shaft	16.0" (407 mm) x 19.1" (485 mm) x 17.7" (449 mm)	
Dry Weight	82 lbs (37.0 kg)	

* The power rating of the engine indicated in this document is the net power output tested on a production engine for the engine model and measured in accordance with SAE J1349 at 3,600 rpm (net power) and at 2,500 rpm (Max net torque). Mass production engines may vary from this value. Actual power output for the engine installed in the final machine will vary depending on numerous factors, including the operating speed of the engine in application, environmental conditions, maintenance, and other variables.

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Editor's Note:

Honda Power Equipment, a division of American Honda Motor Co., Inc., markets a complete range of outdoor power equipment, including outboard marine engines, general purpose engines, generators, lawnmowers, pumps, snowblowers, tillers and trimmers for commercial, rental and residential applications. Its comprehensive product line consists exclusively of 4-stroke engines.

*Information for media regarding Honda products is available at www.hondanews.com.
Consumer information regarding Honda products is available at www.honda.com.*

EXHIBIT J

News from Honda



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For Immediate Release

Honda Launches All-New Mid GX Engine Lineup

New Models for Commercial Power Equipment Market Designed with Technologically Advanced Features for Lower Emissions, Lower Noise, Lower Vibration

ALPHARETTA, Ga., January 18, 2011 – At the 2011 World of Concrete trade venue, an international event dedicated to the commercial concrete and masonry construction industries, Honda today announced the launch of its all-new mid GX engines line. Completely redesigned for 2011, the new GX120, the GX160 and the GX200 are single-cylinder, horizontal-shaft engines that replace the existing GX120, GX160 and GX200 models. The lineup is an ideal fit for an array of commercial turf applications and equipment including generators; construction/industrial equipment; agricultural equipment; water pumps; and pressure washers.

The new Honda mid GX engines, while being dimensionally equivalent and having the same power output of the models they replace, boast increased performance resulting, in part, from the incorporation of these innovative features:

- improved fuel economy through changes in valve timing, compression ratio, carburetor settings, and cooling system modifications;
- new, more stringent emissions standards met through changes in valve timing; carburetor settings; and other proprietary components;
- low noise levels achieved via a change in muffler structure design, breather valve, push rod materials, and crank/case cover rigidity; reduced vibration accomplished through use of a lighter engine piston.

The new mid GX engines also are equipped with a number of design enhancements, including a new carburetor chamber coating; a recoil rope design change; the addition of a

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Honda Launches New Mid GX Engines Lineup

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carburetor filter; and an improved fuel tank guard – all of which improve their fuel economy, reliability and durability.

“As a global environmental leader, Honda developed our new mid GX engines with technologically advanced features that contribute to lower emissions, lower noise, lower vibration and nearly 100 percent installation capability for OEMs in the commercial power equipment market,” said Mike Rudolph, senior manager, Honda Engines. “Because the new engines essentially match the dimensions of the existing GX models they replace, original equipment manufacturers will not have to modify the designs of their commercial equipment.”

A Closer Look at Emissions Standards in 2011 and Beyond

The new Honda GX120, GX160 and GX200 mid GX engines meet EPA Phase 3 exhaust and evaporative emissions standards – the most stringent emission regulations in the world. As background, the EPA has finalized a new emission control program to reduce hydrocarbon emissions from small spark-ignition engines by approximately 35 percent. These new exhaust emissions standards will take effect in 2011 or 2012, depending on the size of the engine. The final rule also includes new standards to reduce evaporative emissions from these fuel systems. Ultimately, these standards will serve to reduce the ozone and carbon monoxide levels produced by these engines.

The design configuration of the new Honda mid GX models reduces pollutants such as hydrocarbons (HCs) and nitrous oxide (NOx) while maintaining the same level of output power as the previous Honda GX models they replace. “The engines reduce HCs by reducing oil consumption via a redesigned piston shape and piston ring along with a modified carburetor setting. In addition, the engine designs reduce NOx emissions through an adjustment in ignition timing which reduces combustion temperature and pressure,” explained Rudolph.

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Honda Launches New Mid GX Engines Lineup

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Reduction of Noise and Vibration and in the New Honda Mid GX Models

In the new mid range GX160 engines, the composition of the push rods has been changed from steel to aluminum. Because the cylinder heads also are constructed from aluminum, this design change equalizes the linear expansion coefficient (the ratio at which the length of the push rod changes from reaction to engine heat) of the push rods. This improvement reduces the valve clearance (caused by the thermal expansion of the push rods and the cylinders) which reduces the tappet noise. The new engines also exhibit three primary design enhancements that contribute to class-leading low noise operations. Enhancements to the muffler, the breather valve and the case cover (GX160/200 models only) result in lower noise levels:

Current Honda GX120: 101 dBA	New Honda GX120: 99 dBA – dual silent spec
Current Honda GX160: 102 dbA	New Honda GX160: 99 dBA – dual silent spec
Current Honda GX200: 103 dbA	New Honda GX200: 101 dBA – dual silent spec

Turning to the issue of vibration, any engine generates vibration through the reciprocal movement of the pistons. In the new mid GX models, the piston weight has been reduced and the crank weight has been adjusted according to the piston weight and connecting rod weight. As a result, the crankshaft rotates to counterbalance the reciprocal movement force of the pistons – reducing primary engine vibration.

All three new mid GX models – the GX120, the GX160 and the GX200 – carry the Honda industry-competitive, three-year warranty. Comprehensive details about this warranty offering and other consumer information can be found at www.honda.com.

Honda is the world's largest manufacturer of engines, producing and marketing more than 23 million units globally in 2009 for a diverse array of automotive, motorcycle, marine, and power equipment products. Honda Engines offers a complete line of small, general purpose engines for commercial, rental industry, and consumer applications. Honda engines

Honda Launches New Mid GX Engines Lineup

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supply smooth and dependable power for more than 3,000 different product applications

including pressure washers, lawnmowers, and rescue and construction equipment.

Specifications for Honda Mid GX Engines			
	GX120	GX160	GX200
Engine Type	Air-cooled, 4-stroke, OHV, single cylinder		
Bore X Stroke (inches/mm)	2.4" X 1.7" (60 mm X 42 mm)	2.7" X 1.8" (68 mm X 45 mm)	2.7" X 2.1" (68 mm x 54 mm)
Displacement	7.2 cubic in. (118 cm ³)	9.9 cubic in. (163 cm ³)	12 cubic in. (196 cm ³)
Compression Ratio	8.5 : 1	9.0 : 1	8.5 : 1
Net Power (kW/rpm)*	3.5 hp (2.6 kW)	4.8 hp (3.6 kW)	5.5 hp (4.1 kW)
Net Torque*	5.4 lbs. ft. (7.3 Nm)	7.6 lbs. ft. (10.3 Nm)	9.1 lbs. ft. (12.4 Nm)
PTO Shaft Rotation	Counterclockwise (from PTO shaft side)		
Ignition System	Transistor Magneto		
Starting System	Recoil Starter		
Carburetor	Butterfly		
Lubrication System	Splash		
Governor System	Mechanical		
Air Cleaner	Dual Element		
Oil Capacity	0.59 US qt. (0.56 L)	0.61 US qt. (0.58 L)	0.63 US qt. (0.60 L)
Fuel Tank Capacity	2.1 US qt. (2.0 L)	3.3 US qt. (3.1 L)	3.3 US qt. (3.1 L)
Evaporative Emissions	Low permeation hose and purge joint provided		
Exhaust Emissions	Certified for use in all 50 states		
Dimensions (L X W X H)	12.0" (305 mm) X 13.4" (341 mm) X 13.0" (329 mm)	12.3" (312 mm) X 13.6" (346 mm) X 13.6" (346 mm)	12.6" (321 mm) X 14.8" (376 mm) X 13.6" (346 mm)
Dry Weight	29 lbs. (13.0 kg)	33 lbs. (15.1 kg)	35 lbs. (16.1 kg)

* The power rating of the engines indicated in this document measures the net power output at 3600 rpm (7000 rpm for model GXH50, GXV50, GX25 and GX35) and net torque at 2500 rpm, as tested on a production engine. Mass production engines may vary from this value. Actual power output for the engine installed in the final machine will vary depending on numerous factors, including the operating speed of the engine in application, environmental conditions, maintenance and other variables.

Editor's Note:

Honda Power Equipment, a division of American Honda Motor Co., Inc., markets a complete range of outdoor power equipment, including outboard marine engines, general purpose engines, generators, lawnmowers, pumps, snowblowers, tillers and trimmers for commercial, rental and residential applications. Its comprehensive product line is powered exclusively by environmentally advanced 4-stroke engines.

Information for media regarding Honda products is available at www.hondanews.com.
Consumer information regarding Honda products is available at www.honda.com.

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