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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91200832
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**Briggs & Stratton Corporation and  
Kohler Company v.  
Honda Giken Kogyo Kabushiki  
Kaisha**

**Opposition No. 91200832 (Parent)  
July 1, 2015 Deposition of  
Cameron Litt**

**CONFIDENTIAL**

**ATTORNEYS' EYES ONLY**

**FILED UNDER SEAL**

**KOHLER**Relentless Power.  
Legendary Performance.

## Command PRO Horizontal CH260



This gasoline engine features a 4-cycle, slant cylinder design, with a cast iron cylinder bore and overhead valve for easy access. The Quad-Clean™ 4-stage air filtration system ensures only clean air enters the engine for maximum power and life of the engine. In addition, this engine is backed by a 3 year commercial warranty.

HP	Shaft	Cylinders	Cooling	Fuel Type	Status
6	Horizontal	Single	Air	Gasoline	New

### Overview

#### User-Friendly.

Interference free PTO face provides flexibility to power any application without modification to the equipment. Dual oil fills and drains and easy access throttle, choke and shutoff make operating and maintaining this engine a breeze.

#### Durable, Long Life Design.

Features steel-forged crankshaft, cast iron cylinder bore, tough Stellite® faced exhaust valve with Tuffride® coated stems and dual ball bearings for maximum side load characteristics. Also, the Quad-Clean™ four-stage cyclonic air filtration system ensures only the cleanest air is entering the engine, maximizing engine power and life.

#### Increased Efficiency.

The KOHLER advanced ignition system reduces fuel consumption, while the large capacity fuel tank allows for longer runs between fill-ups. Combined, these two features will save you time and money.

#### Comfortable Operation.

A fully integrated system, including oversized muffler, sound-deadening alloy crankcase and silenced air intake, provides smoother, quieter performance.

#### Reliable Starting.

In colder months the Quad-Clean™ air filter cover can be reconfigured, no tools required and in a matter of seconds, to recycle engine heat. Along with the advanced electronic ignition, automatic compression release, and dual ball bearings the Command PRO® provides effortless starts in all weather and conditions.

### Features

#### User-Friendly Maintenance.

- Interference free PTO face
- Dual oil fills and drains
- No tools required all season air cleaner
- Easy access throttle, choke and shutoff
- Oil Sentry™ automatic low oil engine shutdown system
- Carburetor bowl drain

#### High Power Performance.

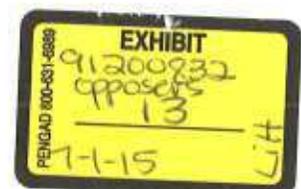
#### Quiet, Smooth Operation.

- Oversized muffler with heat shield
- Mechanical governor
- Sound-deadening alloy crankcase
- Silenced air intake

#### Easy Dependable Starts.

- Electronic ignition system
- Automatic compression release
- Dual ball bearings

Briggs & Stratton Corp. and  
Kohler Co. v. Honda



- Overhead valve design
- Increased displacements
- High-inertia flywheel

#### Extended Run Times.

- Large metal fuel tank and chrome plated cap
- Swirl induction combustion chamber

- Indexable, easy pull recoil starter

#### Reliability and Long Life Design.

- Quad-Clean™ heavy-duty cyclonic air cleaner
- Warm air intake system for cold weather operation
- Cast iron cylinder bore
- Steel-forged crankshaft
- Stellite-faced exhaust valve
- Water trap to separate moisture in fuel
- 3 fuel filters: fill neck, in tank, and carburetor inlet
- 3 year commercial warranty

#### Equipment Types

This engine powers the following equipment:

- Aerator
- Chipper/Shredder
- Dethatcher
- Edger
- Logsplitter
- Pressure Washer
- Pump - Other
- Stump Grinder/Cutter
- Tiller
- Aerator
- Compressor
- Dethatcher
- Edger
- Portable Generator
- Pressure Washer
- Shredder
- Tamper/Plate Compactor
- Tiller

#### Engine Type:

4-cycle, gasoline, OHV, cast iron cylinder liners, aluminum block

Model	Command PRO® CH260
J1940 Power hp(kW) <sup>1</sup>	6 (4.5)
Displacement cu in (cc)	12.7 (208)
Bore in (mm)	2.8 (70)
Stroke in (mm)	2.1 (54)
Peak Torque lbs. ft (Nm)	10.42 (14.07)
Compression Ratio	8.5:1
Dry Weight lbs (kg)	38.7 (17.5)
Oil Capacity U.S. quarts (L)	0.63 (0.6)
Lubrication	Splash
Dimensions L x W x H in	12.7 x 15.2 x 14.2
Backpressure Limit <sup>2</sup>	30
J1995 Power hp (kW) <sup>3</sup>	6.4 (4.7)
J1995 Rated Speed (RPM)	4000

<sup>1</sup>Measurements are based on a recoil-start engine.

<sup>1</sup> Power (hp) and Torque (lbs ft) specifications for Kohler general purpose engines are rated pursuant to Society of Automotive Engineers (SAE) J1940 based on gross output testing performed according to SAE J1995 without the air cleaner and muffler. Actual engine power and torque are lower and affected by accessories (air cleaner, exhaust, charging, cooling, fuel pump, etc.), application, engine speed, ambient operating conditions (temperature, humidity and altitude) and other factors. This J1940 / J1995 rating provides consistent measurement to customers who may want to control the intake and exhaust features of the engine. For more information contact Kohler Co. Engine Engineering Department. Kohler Co. reserves the right to change product specifications, designs and standard equipment without notice and without incurring obligation.

<sup>2</sup> Inches of H<sub>2</sub>O @ 3600 RPM WOT

<sup>3</sup> J1995 power and torque certified by 3rd Party Witness

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# Command PRO Horizontal CH270



This gasoline engine features a 4-cycle, slant cylinder design, with a cast iron cylinder bore and overhead valve for easy access. The Quad-Clean™ 4-stage air filtration system ensures only clean air enters the engine for maximum power and life of the engine. In addition, this engine is backed by a 3 year commercial warranty.

HP	Shaft	Cylinders	Cooling	Fuel Type	Status
7	Horizontal	Single	Air	Gasoline	New

## Overview

### User-Friendly.

Interference free PTO face provides flexibility to power any application without modification to the equipment. Dual oil fills and drains and easy access throttle, choke and shutoff make operating and maintaining this engine a breeze.

### Durable, Long Life Design.

Features steel-forged crankshaft, cast iron cylinder bore, tough Stellite® faced exhaust valve with Tuftride® coated stems and dual ball bearings for maximum side load characteristics. Also, the Quad-Clean™ four-stage cyclonic air filtration system ensures only the cleanest air is entering the engine, maximizing engine power and life.

### Increased Efficiency.

The KOHLER advanced ignition system reduces fuel consumption, while the large capacity fuel tank allows for longer runs between fill-ups. Combined, these two features will save you time and money.

### Comfortable Operation.

A fully integrated system, including oversized muffler, sound-deadening alloy crankcase and silenced air intake, provides smoother, quieter performance.

### Reliable Starting.

In colder months the Quad-Clean™ air filter cover can be reconfigured, no tools required and in a matter of seconds, to recycle engine heat. Along with the advanced electronic ignition, automatic compression release, and dual ball bearings the Command PRO® provides effortless starts in all weather and conditions.

## Features

### User-Friendly Maintenance.

- Interference free PTO face
- Dual oil fills and drains
- No tools required all season air cleaner
- Easy access throttle, choke and shutoff
- Oil Sentry™ automatic low oil engine shutdown system

### Quiet, Smooth Operation.

- Oversized muffler with heat shield
- Mechanical governor
- Sound-deadening alloy crankcase
- Silenced air intake

### Easy Dependable Starts.

- Electronic ignition system

- Overhead valve design
- Increased displacements
- High-inertia flywheel

### Extended Run Times.

- Large metal fuel tank and chrome plated cap
- Swirl induction combustion chamber

- Indexable, easy pull recoil starter

### Reliability and Long Life Design.

- Quad-Clean™ heavy-duty cyclonic air cleaner
- Warm air intake system for cold weather operation
- Cast iron cylinder bore
- Steel-forged crankshaft
- Stellite-faced exhaust valve
- Water trap to separate moisture in fuel
- 3 fuel filters: fill neck, in tank, and carburetor inlet
- 3 year commercial warranty

## Engine Uses

### Equipment Types

This engine powers the following equipment:

- Aerator
- Chipper/Shredder
- Dethatcher
- Edger
- Logsplitter
- Pressure Washer
- Pump - Other
- Stump Grinder/Cutter
- Tiller
- Aerator
- Compressor
- Dethatcher
- Edger
- Portable Generator
- Pressure Washer
- Shredder
- Tamper/Plate Compactor
- Tiller

## Specs

### Engine Type:

4-cycle, gasoline, OHV, cast iron cylinder liners, aluminum block

<b>Model</b>	<b>Command PRO® CH270</b>
J1940 Power hp(kW) 1	7 (5.2)
Displacement cu in (cc)	12.7 (208)
Bore in (mm)	2.8 (70)
Stroke in (mm)	2.1 (54)
Peak Torque lbs. ft (Nm)	10.5 (14.2)
Compression Ratio	8.5:1
Dry Weight lbs (kg)	38.7 (17.5)
Oil Capacity U.S. quarts (L)	0.63 (0.6)
Lubrication	Splash
Dimensions L x W x H in	12.7 x 15.2 x 14.2
Backpressure Limit 2	30
J1995 Power hp (kW) 3	6.6 (4.9)
J1995 Rated Speed (RPM)	4000

<sup>1</sup> Power (hp) and Torque (lbs ft) specifications for Kohler general purpose engines are rated pursuant to Society of Automotive Engineers (SAE) J1940 based on gross output testing performed according to SAE J1995 without the air cleaner and muffler. Actual engine power and torque are lower and affected by accessories (air cleaner, exhaust, charging, cooling, fuel pump, etc.), application, engine speed, ambient operating conditions (temperature, humidity and altitude) and other factors. This J1940 / J1995 rating provides consistent measurement to customers who may want to control the intake and exhaust features of the engine. For more information, contact Kohler Co. Engine Engineering Department. Kohler Co. reserves the right to change product specifications, designs and standard equipment without notice and without incurring obligation.

<sup>2</sup> Inches of H<sub>2</sub>O @ 3600 RPM WOT

<sup>3</sup> J1995 power and torque certified by 3rd Party Witness

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**KOHLER.**Relentless Power.  
Legendary Performance.

## Command PRO Horizontal CH395

This gasoline engine features a 4-cycle, slant cylinder design, with a cast iron cylinder bore and overhead valve for easy access. The Quad-Clean™ 4-stage air filtration system ensures only clean air enters the engine for maximum power and life of the engine. In addition, this engine is backed by a 3 year commercial warranty.

HP	Shaft	Cylinders	Cooling	Fuel Type	Status
9.5	Horizontal	Single	Air	Gasoline	New

**Key Features**

### User-Friendly.

Interference free PTO face provides flexibility to power any application without modification to the equipment. Dual oil fills and drains and easy access throttle, choke and shutoff make operating and maintaining this engine a breeze.

### Durable, Long Life Design.

Features steel-forged crankshaft, cast iron cylinder bore, tough Stellite® faced exhaust valve with Tuffride® coated stems and dual ball bearings for maximum side load characteristics. Also, the Quad-Clean™ four-stage cyclonic air filtration system ensures only the cleanest air is entering the engine, maximizing engine power and life.

### Increased Efficiency.

The KOHLER advanced ignition system reduces fuel consumption, while the large capacity fuel tank allows for longer runs between fill-ups. Combined, these two features will save you time and money.

**Benefits**

### User-Friendly Maintenance.

- Interference free PTO face
- Dual oil fills and drains
- No tools required all season air cleaner
- Easy access throttle, choke and shutoff
- Oil Sentry™ automatic low oil engine shutdown system
- Carburetor bowl drain

### High Power Performance.

### Comfortable Operation.

A fully integrated system, including oversized muffler, sound-deadening alloy crankcase and silenced air intake, provides smoother, quieter performance.

### Reliable Starting.

In colder months the Quad-Clean™ air filter cover can be reconfigured, no tools required and in a matter of seconds, to recycle engine heat. Along with the advanced electronic ignition, automatic compression release, and dual ball bearings the Command PRO® provides effortless starts in all weather and conditions.

### Quiet, Smooth Operation.

- Oversized muffler with heat shield
- Mechanical governor
- Sound-deadening alloy crankcase
- Silenced air intake

### Easy Dependable Starts.

- Electronic ignition system
- Automatic compression release
- Dual ball bearings

- Overhead valve design
- Increased displacements
- High-inertia flywheel

#### Extended Run Times.

- Large metal fuel tank and chrome plated cap
- Swirl induction combustion chamber

- Indexable, easy pull recoil starter

#### Reliability and Long Life Design.

- Quad-Clean™ heavy-duty cyclonic air cleaner
- Warm air intake system for cold weather operation
- Cast iron cylinder bore
- Steel-forged crankshaft
- Stellite-faced exhaust valve
- Water trap to separate moisture in fuel
- 3 fuel filters: fill neck, in tank, and carburetor inlet
- 3 year commercial warranty

#### Equipment Types

This engine powers the following equipment:

- Aerator
- Chipper/Shredder
- Dethatcher
- Edger
- Logsplitter
- Pressure Washer
- Pump - Other
- Stump Grinder/Cutter
- Tiller
- Aerator
- Compressor
- Dethatcher
- Edger
- Portable Generator
- Pressure Washer
- Shredder
- Tamper/Plate Compactor
- Tiller

#### Specs

#### Engine Type:

4-cycle, gasoline, OHV, cast iron cylinder liners, aluminum block

<b>Model</b>	<b>Command PRO® CH395</b>
J1940 Power hp(kW) <sup>1</sup>	9.5 (7.1)
Displacement cu in (cc)	16.9 (277)
Bore in (mm)	3.1 (78)
Stroke in (mm)	2.3 (58)
Peak Torque lbs. ft (Nm)	13.9 (18.8)
Compression Ratio	8.5:1
Dry Weight lbs (kg)	61.5 (27.8)
Oil Capacity U.S. quarts (L)	1.4 (1.3)
Lubrication	Splash
Dimensions L x W x H in	15.9 x 16.8 x 16.7
Backpressure Limit <sup>2</sup>	30
J1995 Power hp (kW) <sup>3</sup>	9.1 (6.8)
J1995 Rated Speed (RPM)	4000

<sup>1</sup> Measurements are based on a recoil-start engine.

<sup>1</sup> Power (hp) and Torque (lb ft) specifications for Kohler general purpose engines are rated pursuant to Society of Automotive Engineers (SAE) J1940 based on gross output testing performed according to SAE J1995 without the air cleaner and muffler. Actual engine power and torque are lower and affected by accessories (air cleaner, exhaust, charging, cooling, fuel pump, etc.), application, engine speed, ambient operating conditions (temperature, humidity and altitude) and other factors. This J1940 / J1995 rating provides consistent measurement to customers who may want to control the intake and exhaust features of the engine. For more information, contact Kohler Co. Engine Engineering Department. Kohler Co. reserves the right to change product specifications, designs and standard equipment without notice and without incurring obligation.

<sup>2</sup> Inches of H<sub>2</sub>O @ 3600 RPM WOT

<sup>3</sup> J1995 power and torque certified by 3rd Party Witness

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**KOHLER.**Relentless Power.  
Legendary Performance.

## Command PRO Horizontal CH440



This gasoline engine features a 4-cycle, slant cylinder design, with a cast iron cylinder bore and overhead valve for easy access. The Quad-Clean™ 4-stage air filtration system ensures only clean air enters the engine for maximum power and life of the engine. In addition, this engine is backed by a 3 year commercial warranty.

HP	Shaft	Cylinders	Cooling	Fuel Type	Status
14	Horizontal	Single	Air	Gasoline	New

### Overview

#### User-Friendly.

Interference free PTO face provides flexibility to power any application without modification to the equipment. Dual oil fills and drains and easy access throttle, choke and shutoff make operating and maintaining this engine a breeze.

#### Durable, Long Life Design.

Features steel-forged crankshaft, cast iron cylinder bore, tough Stellite® faced exhaust valve with Tuftride® coated stems and dual ball bearings for maximum side load characteristics. Also, the Quad-Clean™ four-stage cyclonic air filtration system ensures only the cleanest air is entering the engine, maximizing engine power and life.

#### Increased Efficiency.

The KOHLER advanced ignition system reduces fuel consumption, while the large capacity fuel tank allows for longer runs between fill-ups. Combined, these two features will save you time and money.

#### Comfortable Operation.

A fully integrated system, including oversized muffler, sound-deadening alloy crankcase and silenced air intake, provides smoother, quieter performance.

#### Reliable Starting.

In colder months the Quad-Clean™ air filter cover can be reconfigured, no tools required and in a matter of seconds, to recycle engine heat. Along with the advanced electronic ignition, automatic compression release, and dual ball bearings the Command PRO® provides effortless starts in all weather and conditions.

### Features

#### User-Friendly Maintenance.

- Interference free PTO face
- Dual oil fills and drains
- No tools required all season air cleaner
- Easy access throttle, choke and shutoff
- Oil Sentry™ automatic low oil engine shutdown system
- Carburetor bowl drain

#### High Power Performance.

#### Quiet, Smooth Operation.

- Oversized muffler with heat shield
- Mechanical governor
- Sound-deadening alloy crankcase
- Silenced air intake

#### Easy Dependable Starts.

- Electronic ignition system
- Automatic compression release
- Dual ball bearings

- Overhead valve design
- Increased displacements
- High-inertia flywheel

#### Extended Run Times.

- Large metal fuel tank and chrome plated cap
- Swirl induction combustion chamber

- Indexable, easy pull recoil starter

#### Reliability and Long Life Design.

- Quad-Clean™ heavy-duty cyclonic air cleaner
- Warm air intake system for cold weather operation
- Cast iron cylinder bore
- Steel-forged crankshaft
- Stellite-faced exhaust valve
- Water trap to separate moisture in fuel
- 3 fuel filters: fill neck, in tank, and carburetor inlet
- 3 year commercial warranty

### Engines

#### Equipment Types

This engine powers the following equipment:

- Aerator
- Chipper/Shredder
- Dethatcher
- Edger
- Logsplitter
- Pressure Washer
- Pump - Other
- Stump Grinder/Cutter
- Tiller
- Aerator
- Compressor
- Dethatcher
- Edger
- Portable Generator
- Pressure Washer
- Shredder
- Tamper/Plate Compactor
- Tiller

### Engines

#### Engine Type:

4-cycle, gasoline, OHV, cast iron cylinder liners, aluminum block

Model	Command PRO® CH440
J1940 Power hp(kW) <sup>1</sup>	14 (10.4)
Displacement cu in (cc)	24.7 (429)
Bore in (mm)	3.5 (89)
Stroke in (mm)	2.7 (69)
Peak Torque lbs. ft (Nm)	22.7 (30.8)
Compression Ratio	8:1
Dry Weight lbs (kg)	72.8 (33)
Oil Capacity U.S. quarts (L)	1.4 (1.3)
Lubrication	Splash
Dimensions L x W x H in	16.2 x 17.3 x 17.4
Backpressure Limit <sup>2</sup>	40
J1995 Power hp (kW) <sup>3</sup>	13.4 (10)
J1995 Rated Speed (RPM)	3600

<sup>1</sup> Measurements are based on a recoil-start engine

<sup>1</sup> Power (hp) and Torque (lbs ft) specifications for Kohler general purpose engines are rated pursuant to Society of Automotive Engineers (SAE) J1940 based on gross output testing performed according to SAE J1995 without the air cleaner and muffler. Actual engine power and torque are lower and affected by accessories (air cleaner, exhaust, charging, cooling, fuel pump, etc.), application, engine speed, ambient operating conditions (temperature, humidity and altitude) and other factors. This J1940 / J1995 rating provides consistent measurement to customers who may want to control the intake and exhaust features of the engine. For more information, contact Kohler Co. Engine Engineering Department. Kohler Co. reserves the right to change product specifications, designs and standard equipment without notice and without incurring obligation.

<sup>2</sup> Inches of H<sub>2</sub>O @ 3600 RPM WOT

<sup>3</sup> J1995 power and torque certified by 3rd Party Witness

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Relentless Power.  
Legendary Performance.

## Courage Horizontal

# More Features, More Performance, More Courage



KOHLER® Courage® horizontal engines are built to professional-grade standards for dependability and performance...along with user-friendly features for straightforward operation and maintenance. Go ahead, ask more from your engine.

- Cast iron cylinder bore and steel forged crankshaft lend long engine life
  - Large indexable recoil starter and dual ball bearings provide effortless starts
  - Overhead valve design delivers fuel-efficient, peak power performance
  - Dual oil fills and drains, large fuel tank, and accessible controls allow easy maintenance
- [View Retired Courage Horizontal Engines](#)

### Retired Courage® Horizontal Engines

Model No.	HP	Shape	Cylinders	Cooling	Fuel Type	Status
SH265	6.5	Horizontal	Single	Air	Gasoline	Retired

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**KOHLER**Relentless Power.  
Legendary Performance.2000 Series  
RH255

HP	Shaft	Cylinders	Cooling	Fuel Type	Status
5.5	Horizontal	Single	Air	Gasoline	New

**Features:****Professional Grade Design.**

Kohler has been manufacturing engines for more than 90 years - and all that experience shows in our innovative design. KOHLER® engines pack more power than engines with similar displacement.

**Durable, Long Life Design.**

Cool-running OHV design means your engine will last, so you can keep your equipment longer and avoid costly trips to the repair shop.

**Comfortable Operation.**

Oversized muffler for reduced noise. The Easy-Pull™ ergonomic recoil handle makes starting easy.

**Features:****User-Friendly Maintenance.**

- Dual drains
- Dipstick on start side
- No-tools-required air cleaner
- Easy access throttle, choke and shutoff
- Automatic low-oil engine shutdown system
- Carburetor bowl drain

**High Power Performance.**

- Overhead valve design
- Increased displacements
- High-inertia flywheel

**Extended Run Times.**

- Large fuel tank
- Basin shaped combustion chamber

**Quiet, Smooth Operation.**

- Muffler with heat shield
- Mechanical governor
- Sound-deadening alloy crankcase
- Silenced air intake

**Easy Dependable Starts.**

- Electronic ignition system
- Easy-pull recoil starter

**Specifications:**

## Equipment Types

This engine powers the following equipment:

- Edger

## Specs

### Engine Type:

Four-cycle, gasoline, OHV

<b>Model</b>	<b>2000 Series™ RH255</b>
J1940 Power hp(kW) <sup>1</sup>	5.5 (4.2)
Displacement cu in (cc)	12 (196)
Bore in (mm)	2.7 (68)
Stroke in (mm)	2.1 (54)
Peak Torque lbs. ft (Nm)	10.5 (14.2)
Compression Ratio	8.5:1
Dry Weight lbs (kg)	28.8 (16)
Oil Capacity U.S. quarts (L)	0.63 (0.6)
Lubrication	Splash
Dimensions L x W x H in	12.2 x 12.8 x 12.8
Backpressure Limit <sup>2</sup>	25
J1995 Power hp (kW) <sup>3</sup>	6.1 (4.6)
J1995 Rated Speed (RPM)	3600

\* Measurements are based on a recoil-start engine.

<sup>1</sup> Power (hp) and Torque (lbs ft) specifications for Kohler general purpose engines are rated pursuant to Society of Automotive Engineers (SAE) J1940 based on gross output testing performed according to SAE J1995 without the air cleaner and muffler. Actual engine power and torque are lower and affected by accessories (air cleaner, exhaust, charging, cooling, fuel pump, etc.), application, engine speed, ambient operating conditions (temperature, humidity and altitude) and other factors. This J1940 / J1995 rating provides consistent measurement to customers who may want to control the intake and exhaust features of the engine. For more information, contact Kohler Co. Engine Engineering Department. Kohler Co. reserves the right to change product specifications, designs and standard equipment without notice and without incurring obligation.

<sup>2</sup> Inches of H<sub>2</sub>O @ 3600 RPM WOT

<sup>3</sup> J1995 power and torque certified by 3rd Party Witness

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## 2000 Series RH265



HP	Shaft	Cylinders	Cooling	Fuel Type	Status
6.5	Horizontal	Single	Air	Gasoline	New

### Benefits

#### Professional Grade Design.

Kohler has been manufacturing engines for more than 90 years - and all that experience shows in our innovative design. KOHLER® engines pack more power than engines with similar displacement.

#### Durable, Long Life Design.

Cool-running OHV design means your engine will last, so you can keep your equipment longer and avoid costly trips to the repair shop.

#### Comfortable Operation.

Oversized muffler for reduced noise. The Easy-Pull™ ergonomic recoil handle makes starting easy.

### Features

#### User-Friendly Maintenance.

- Dual drains
- Dipstick on start side
- No-tools-required air cleaner
- Easy access throttle, choke and shutoff
- Automatic low-oil engine shutdown system
- Carburetor bowl drain

#### High Power Performance.

- Overhead valve design
- Increased displacements
- High-inertia flywheel

#### Extended Run Times.

- Large fuel tank
- Basin shaped combustion chamber

#### Quiet, Smooth Operation.

- Muffler with heat shield
- Mechanical governor
- Sound-deadening alloy crankcase
- Silenced air intake

#### Easy Dependable Starts.

- Electronic ignition system
- Easy-pull recoil starter

## Equipment Types

This engine powers the following equipment:

- Edger

## Engine Type:

Four-cycle, gasoline, OHV

<b>Model</b>	<b>2000 Series™ RH265</b>
J1940 Power hp(kW) <sup>1</sup>	6.5 (4.8)
Displacement cu in (cc)	12 (196)
Bore in (mm)	2.7 (68)
Stroke in (mm)	2.1 (54)
Peak Torque lbs. ft (Nm)	10.7 (14.5)
Compression Ratio	8.5:1
Dry Weight lbs (kg)	28.8 (16)
Oil Capacity U.S. quarts (L)	0.63 (0.6)
Lubrication	Splash
Dimensions L x W x H in	12.2 x 12.8 x 12.8
Backpressure Limit <sup>2</sup>	25
J1995 Power hp (kW) <sup>3</sup>	6.3 (4.7)
J1995 Rated Speed (RPM)	3600

\* Measurements are based on a recoil-start engine.

<sup>1</sup> Power (hp) and Torque (lbs ft) specifications for Kohler general purpose engines are rated pursuant to Society of Automotive Engineers (SAE) J1940 based on gross output testing performed according to SAE J1995 without the air cleaner and muffler. Actual engine power and torque are lower and affected by accessories (air cleaner, exhaust, charging, cooling, fuel pump, etc.), application, engine speed, ambient operating conditions (temperature, humidity and altitude) and other factors. This J1940 / J1995 rating provides consistent measurement to customers who may want to control the intake and exhaust features of the engine. For more information, contact Kohler Co. Engine Engineering Department. Kohler Co. reserves the right to change product specifications, designs and standard equipment without notice and without incurring obligation.

<sup>2</sup> Inches of H<sub>2</sub>O @ 3600 RPM WOT

<sup>3</sup> J1995 power and torque certified by 3rd Party Witness

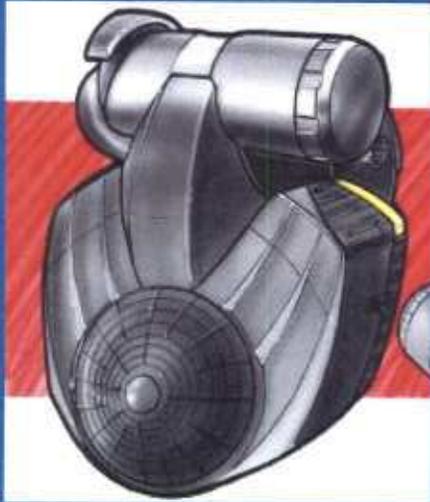
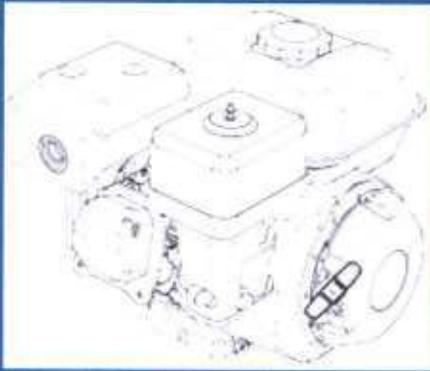
**Opposers' Trial Exhibit No. 14**

**CONFIDENTIAL**

**ATTORNEYS' EYES ONLY**

**EXHIBIT**

**FILED UNDER SEAL**



# Kohler

## Small Industrial Engine Aesthetics

June 27, 2007

**KOHLER**  
ENGINES

### DCI Team

Ami Verhalen, Project Manager

Nick Reback

Rachel Desmidt

Steve Latham

Dan Bullis

Dave Franchino

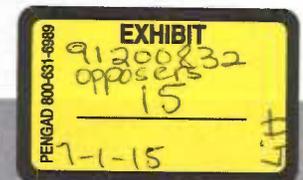
### Kohler Team

Stacy Joaquin, Project Manager

Terry Rotter

Cam Litt

Briggs & Stratton Corp.  
and Kohler Co. v. Honda



# Overview

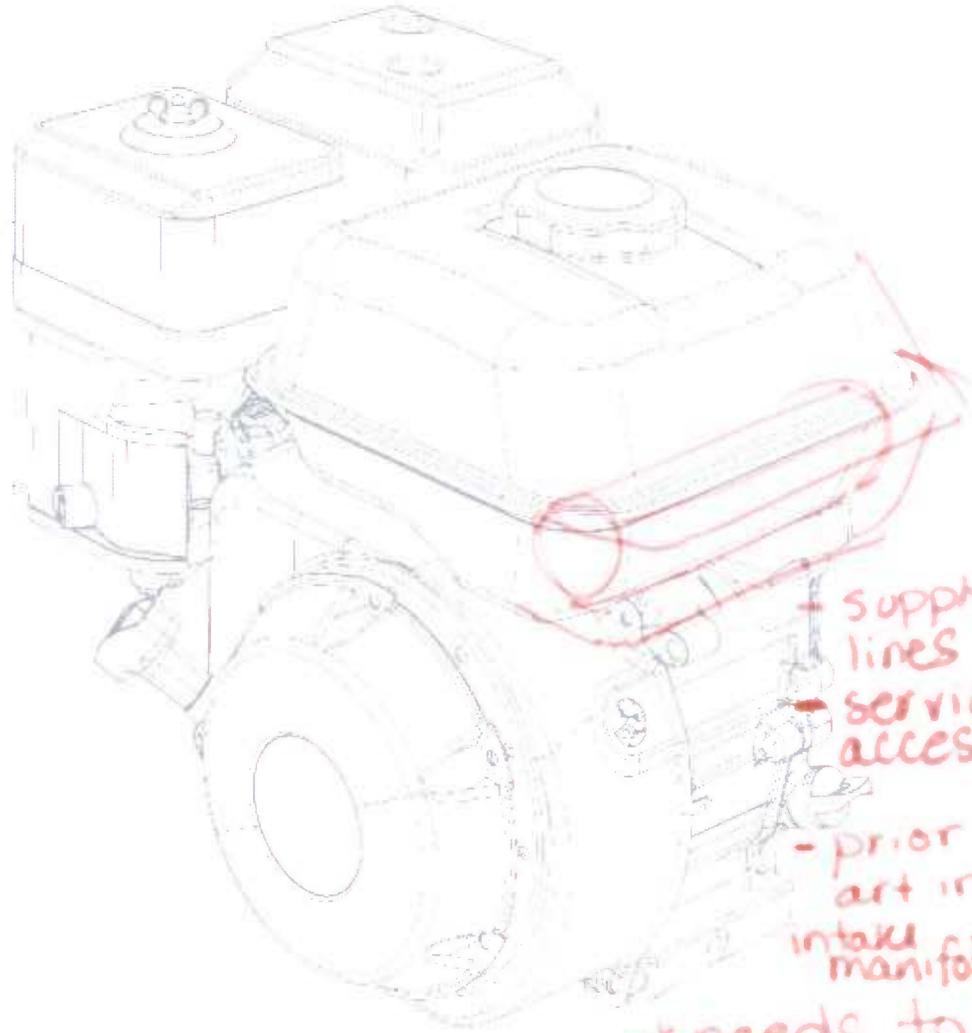
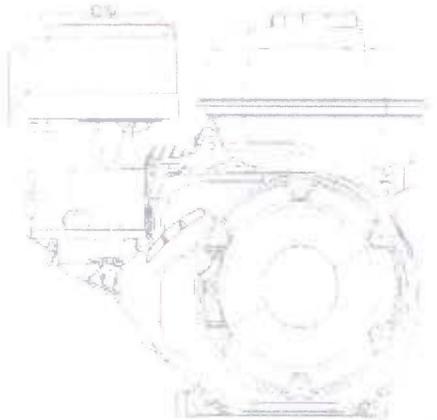
p.2



- This presentation includes images captured in the 06-27-07 web teleconference between DCI and Ricardo

# Sketch Exploration

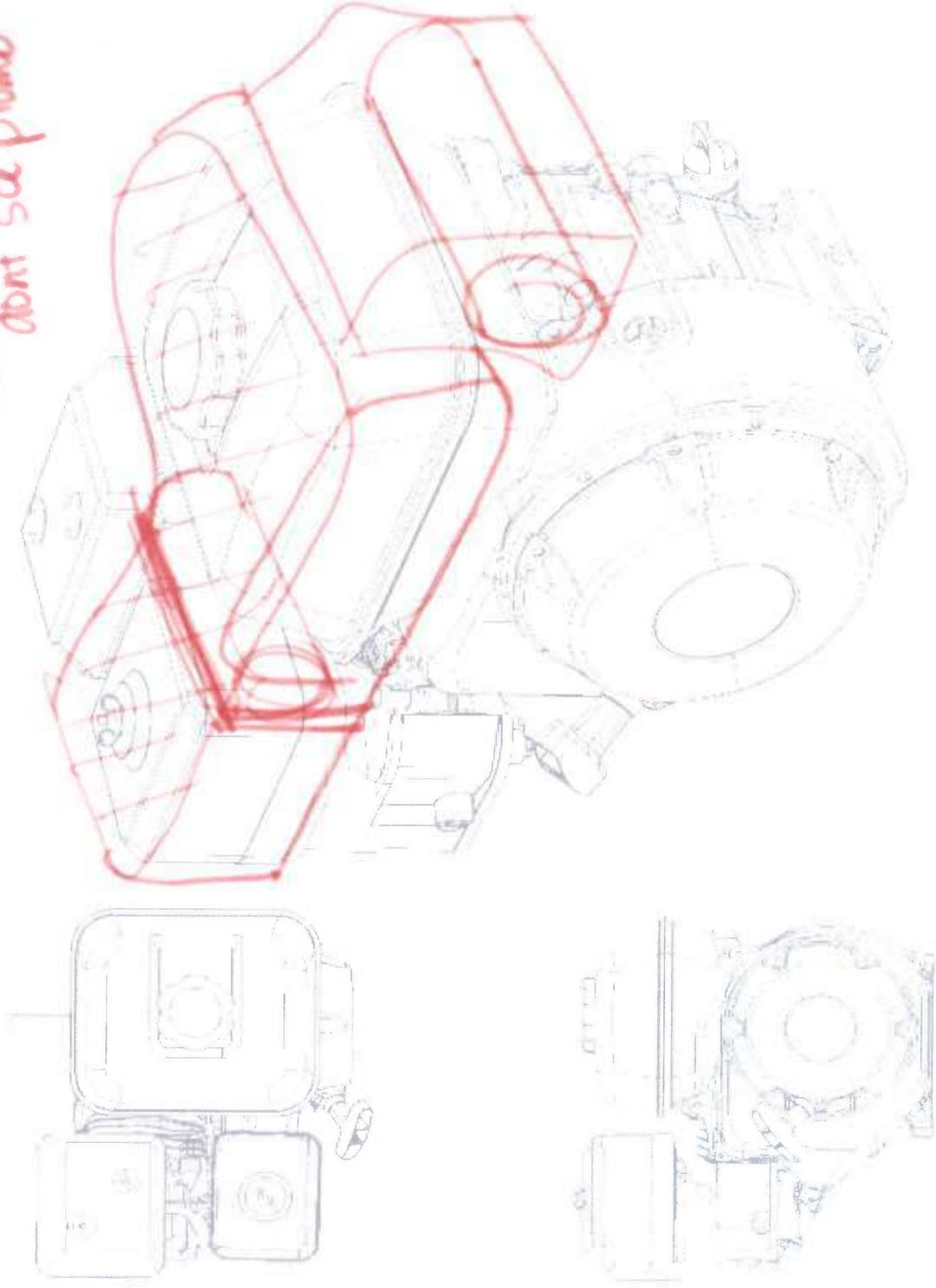
# Vapor Canister

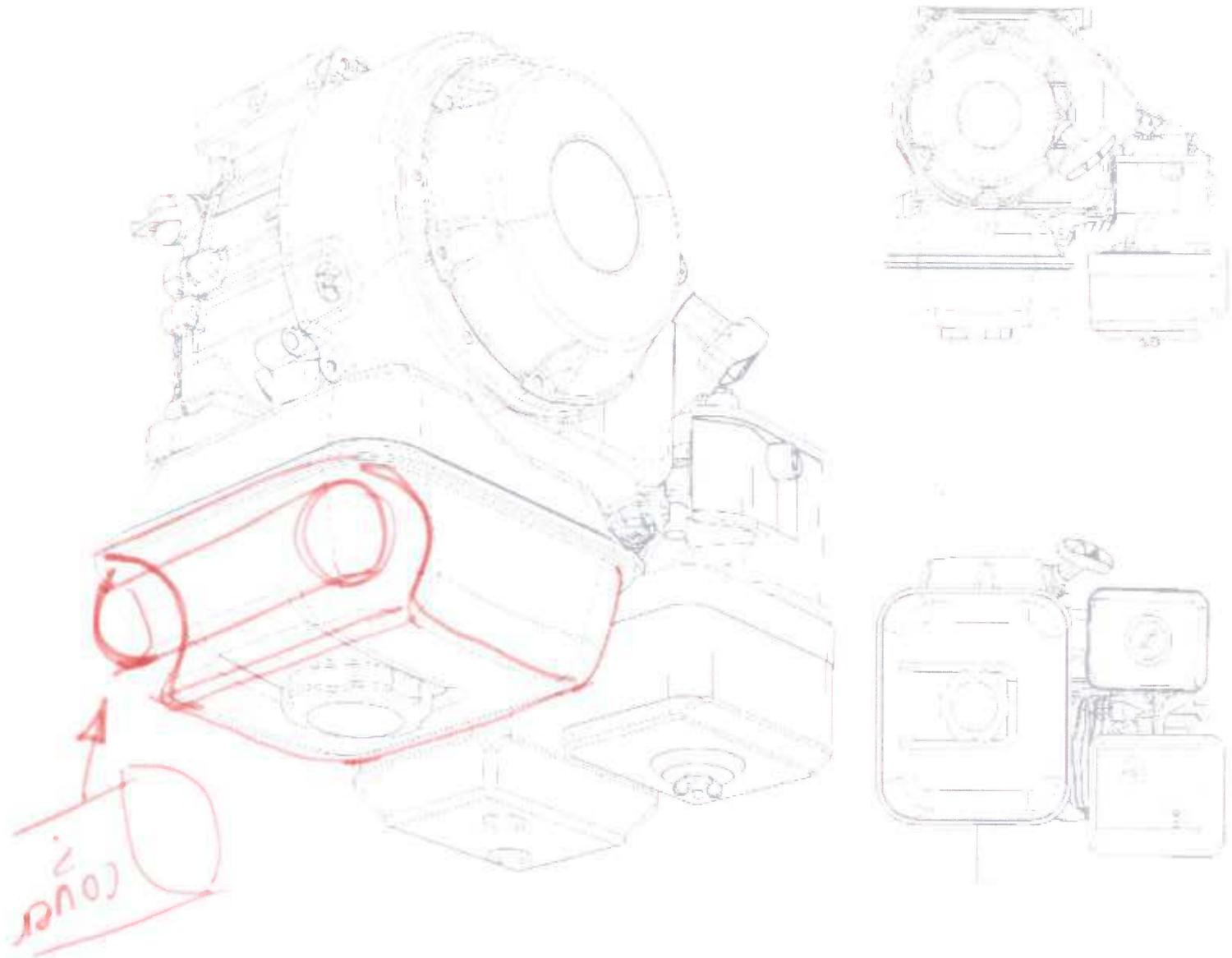


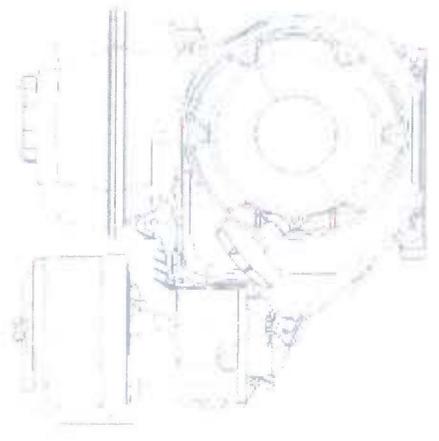
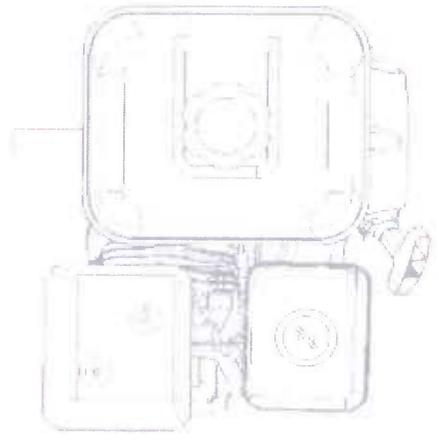
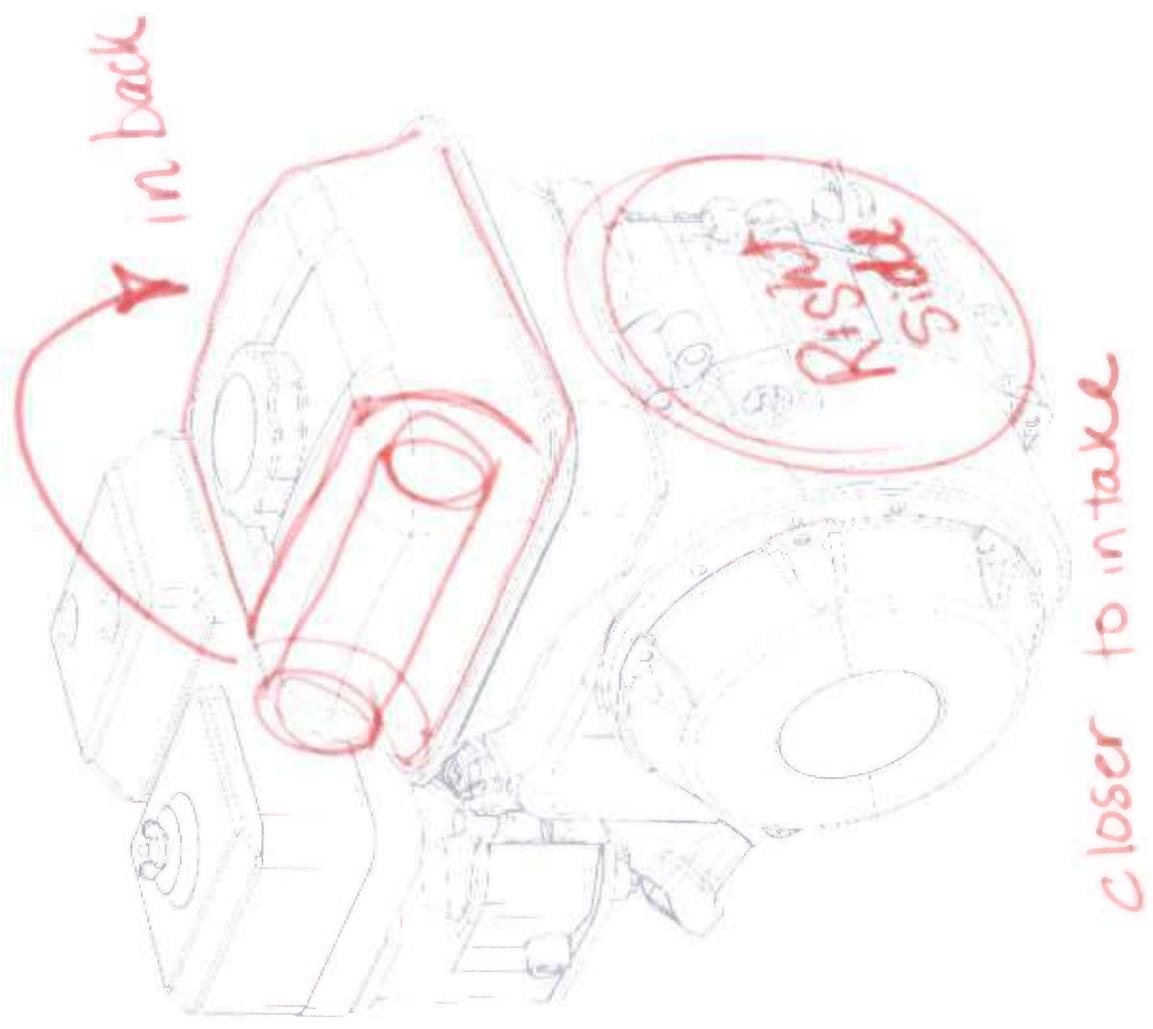
- supply lines
- service access
- prior art in intake manifold?
- \* needs to be serviced

Vapor 5" x 1.5" Dia

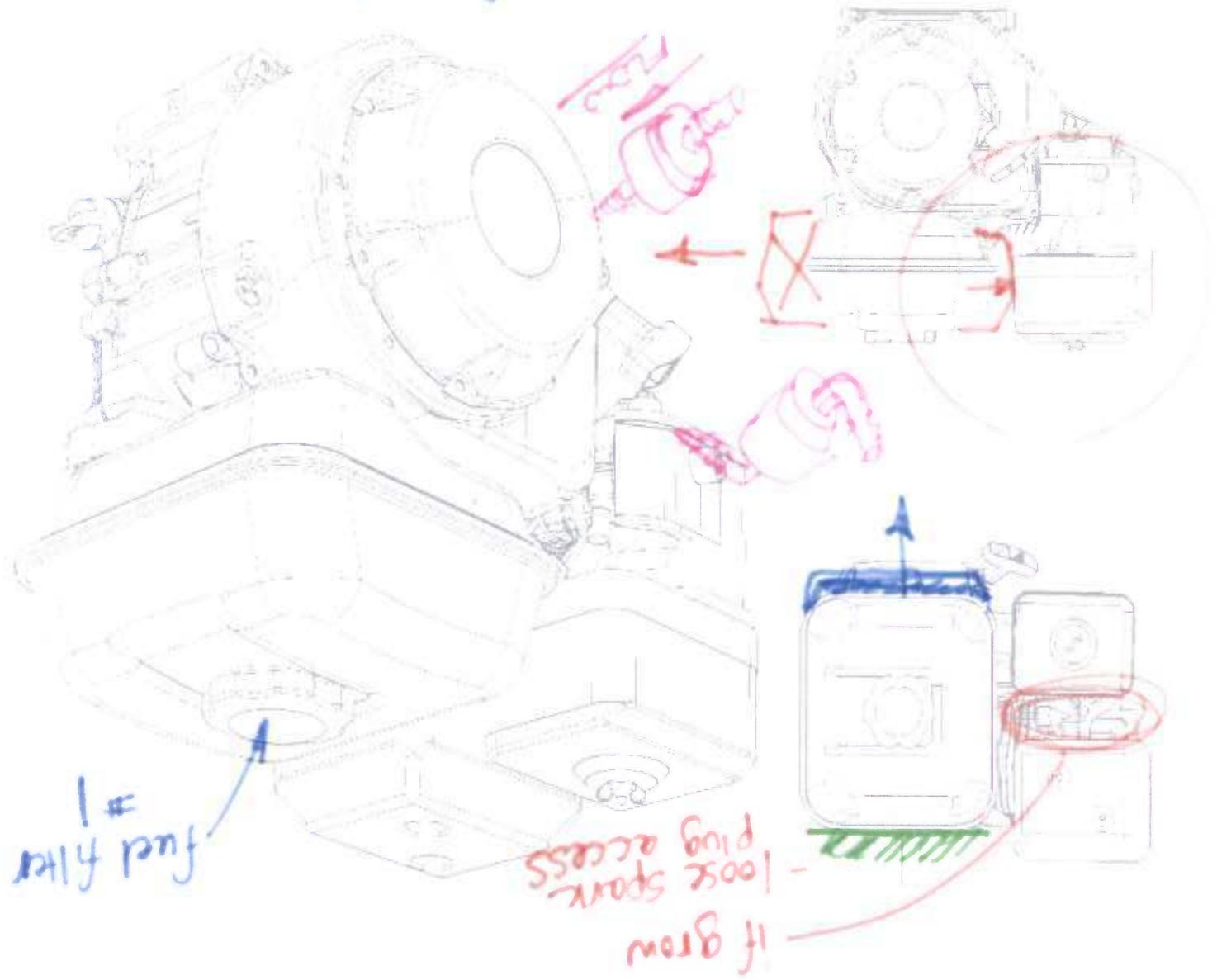
Covers =  
don't see plumb

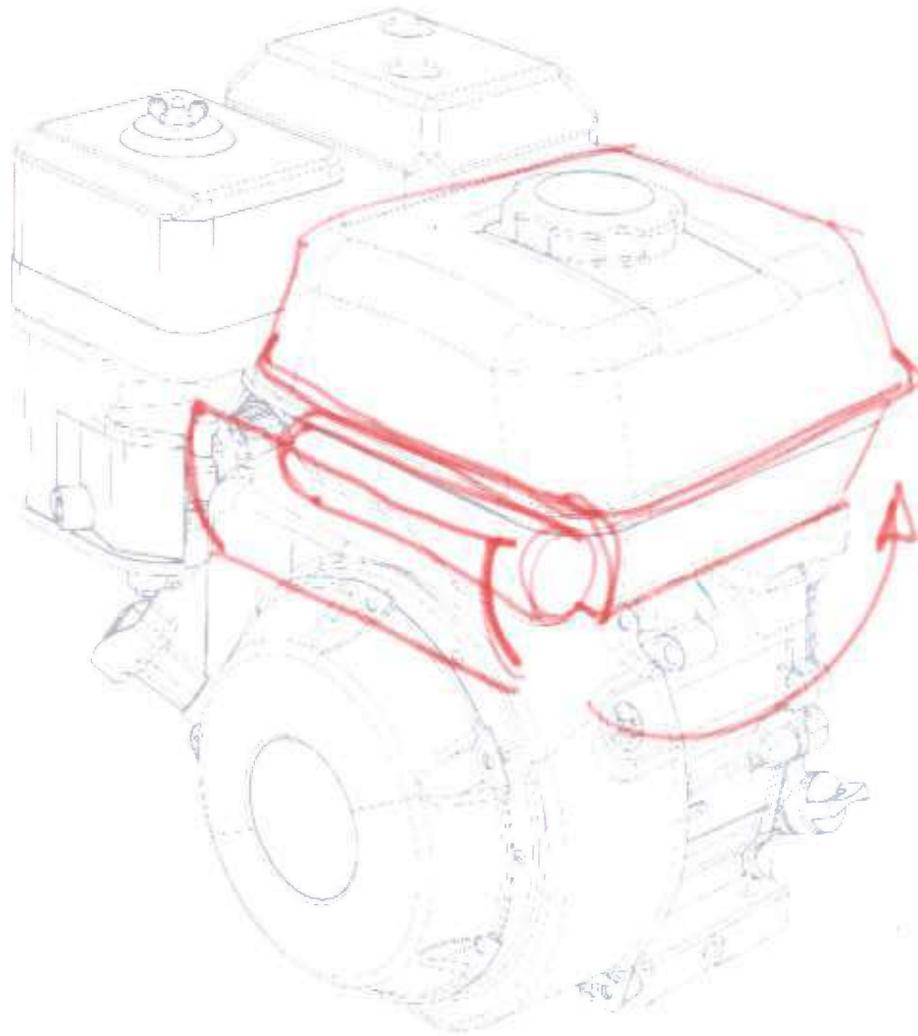
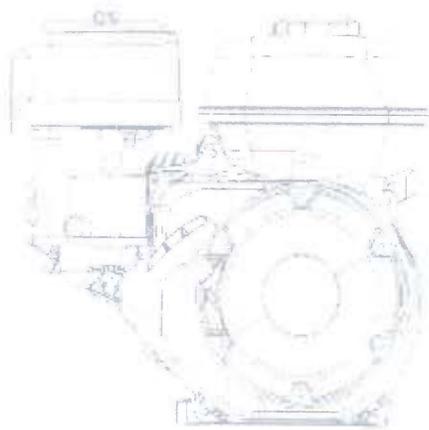


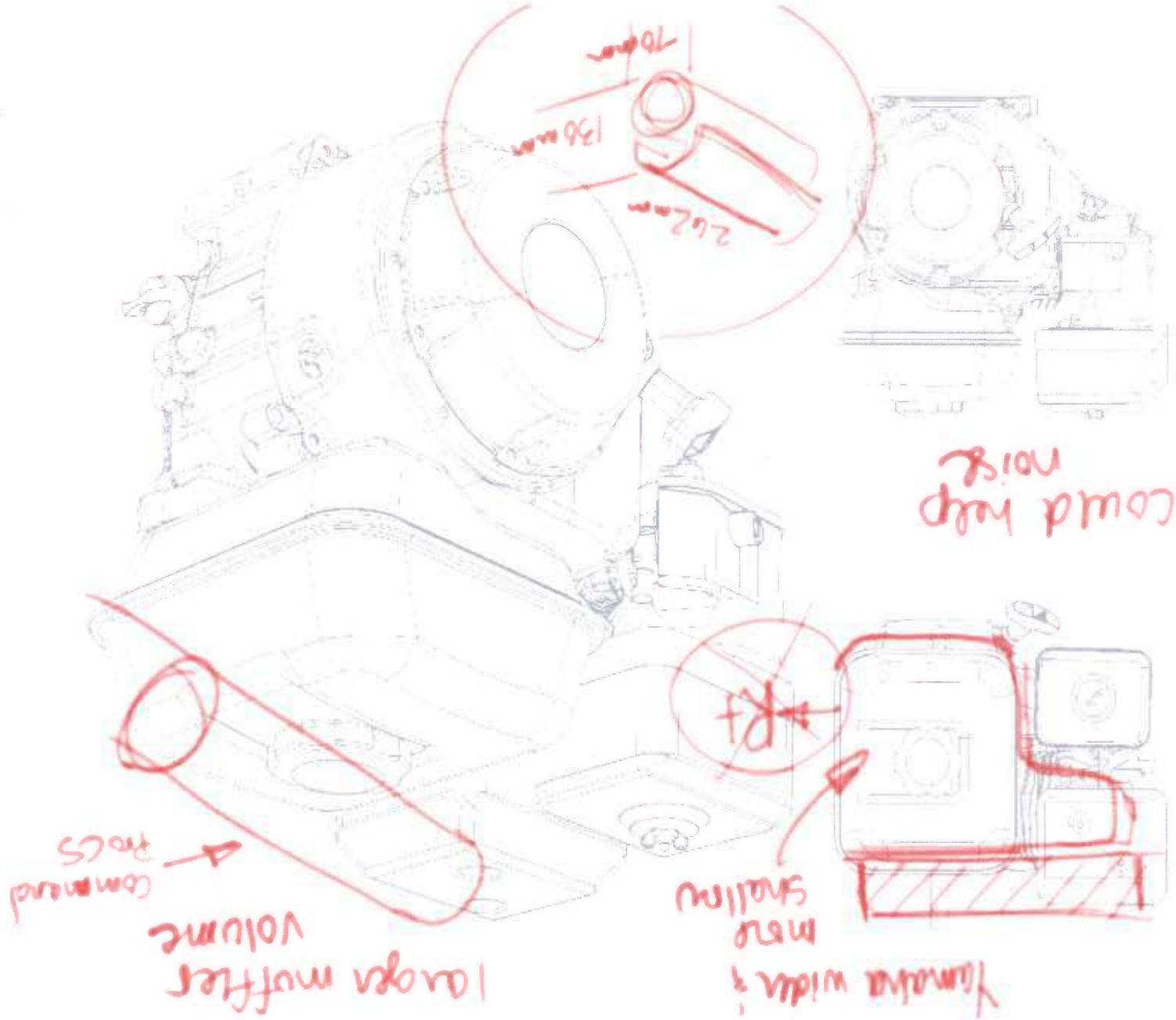




\* send dung of fuel filter part

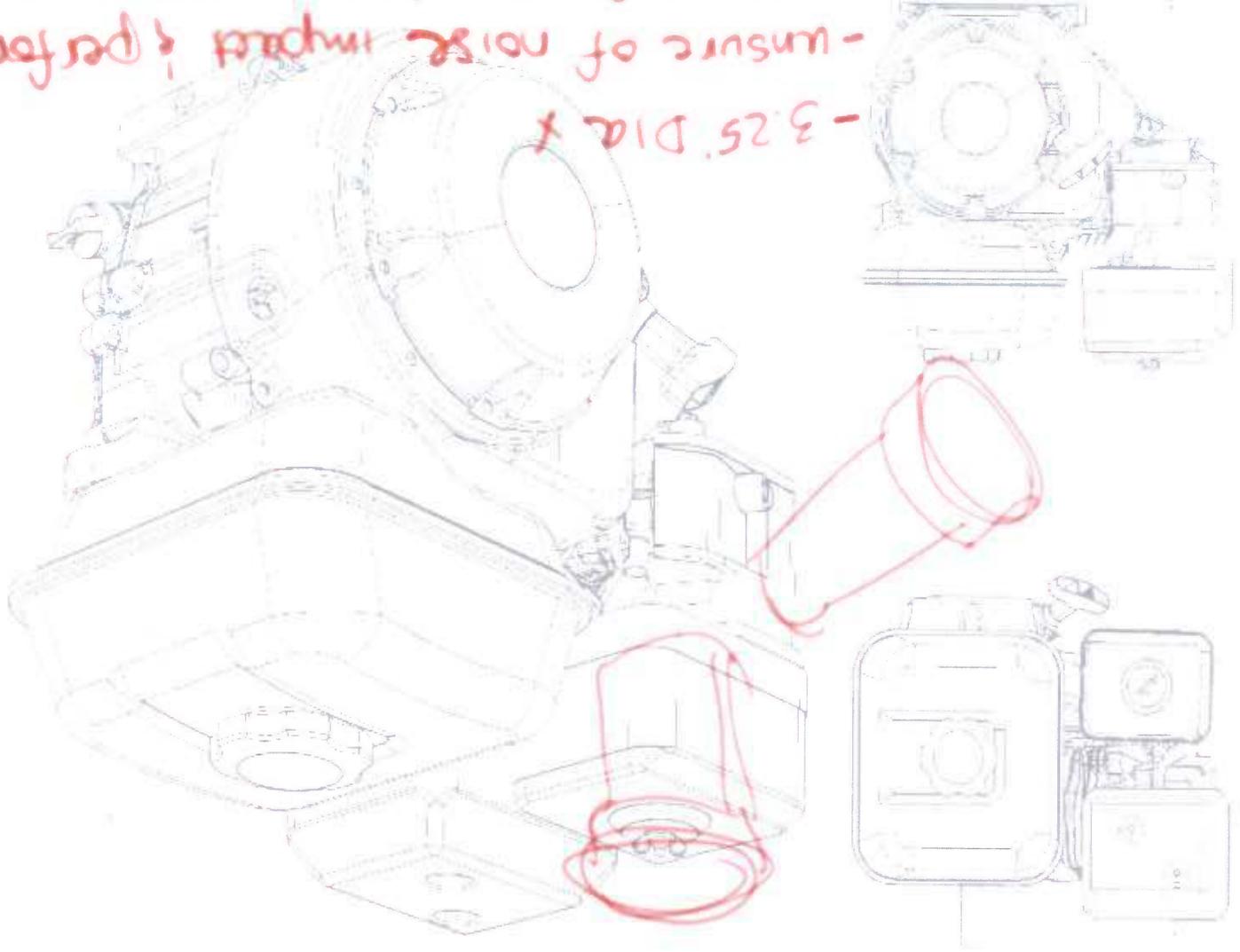


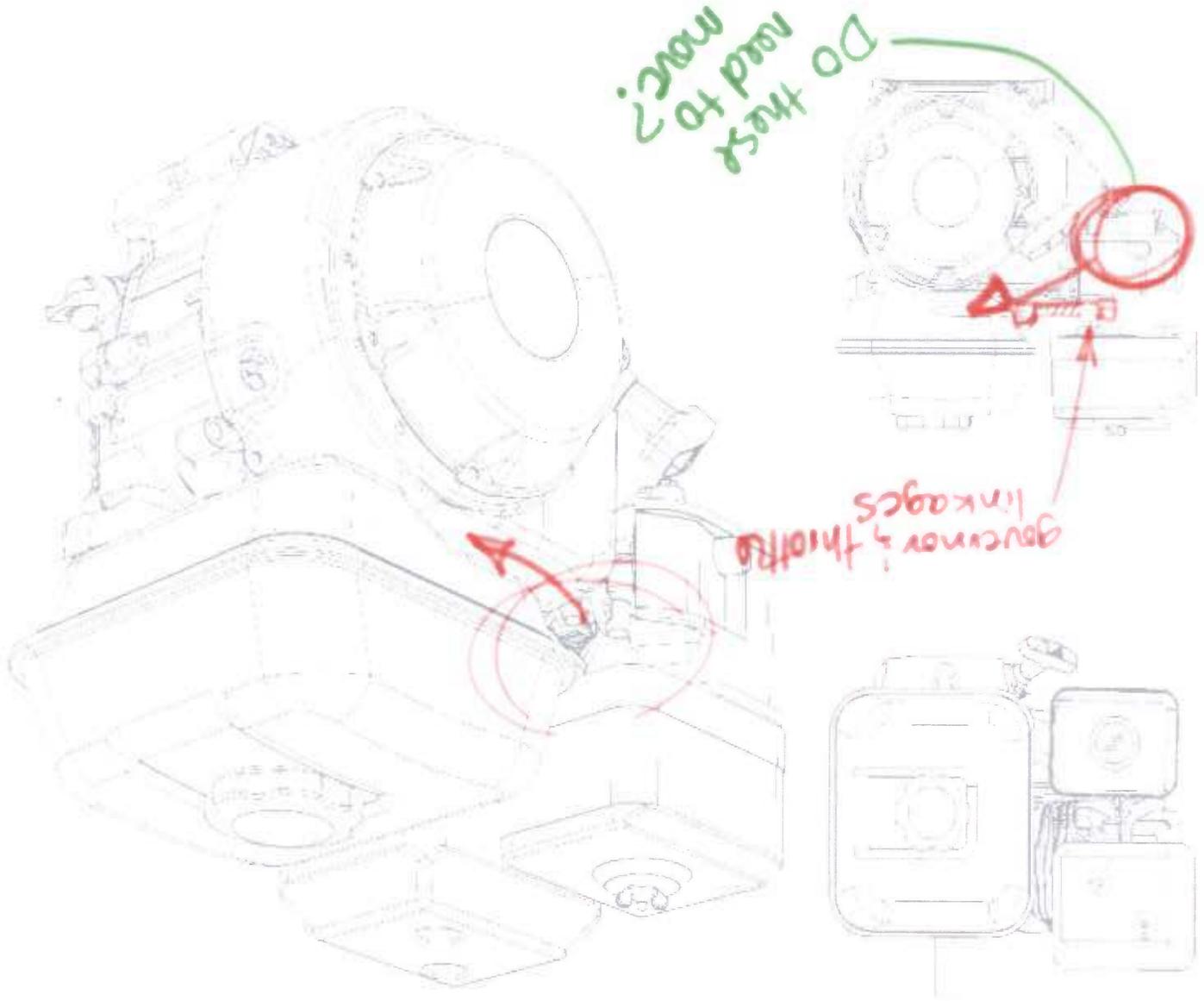




- more efficient filter - source may be simpler
- unsure of noise impact & perform.

- 3.25" Dia x

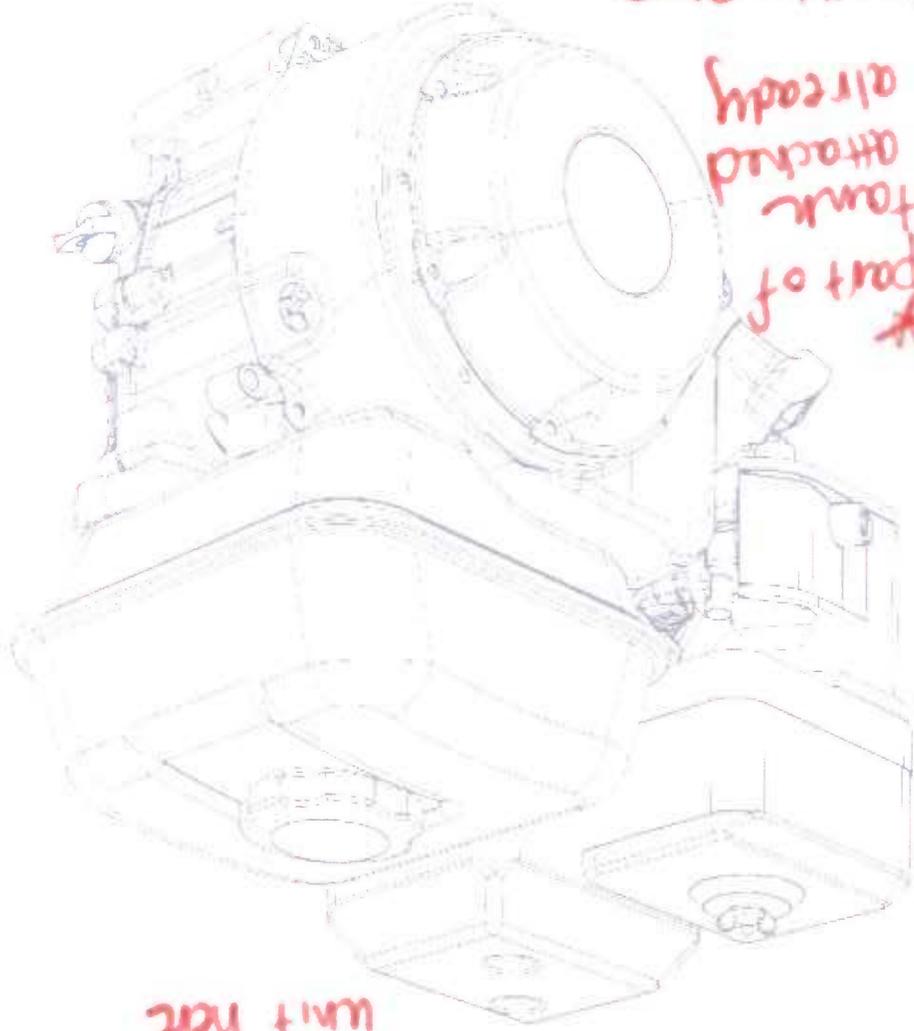




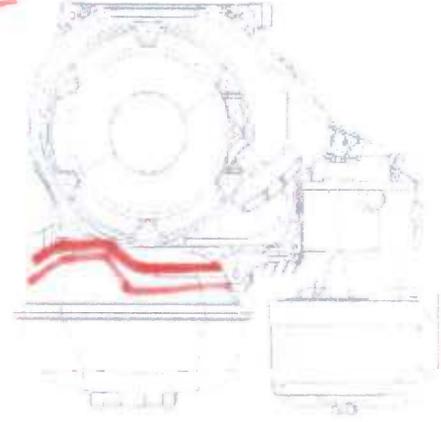
SEND SKETCH TO  
DAI & PHOTOS

-throttle arm  
pass over top

part of  
tank  
already  
attached

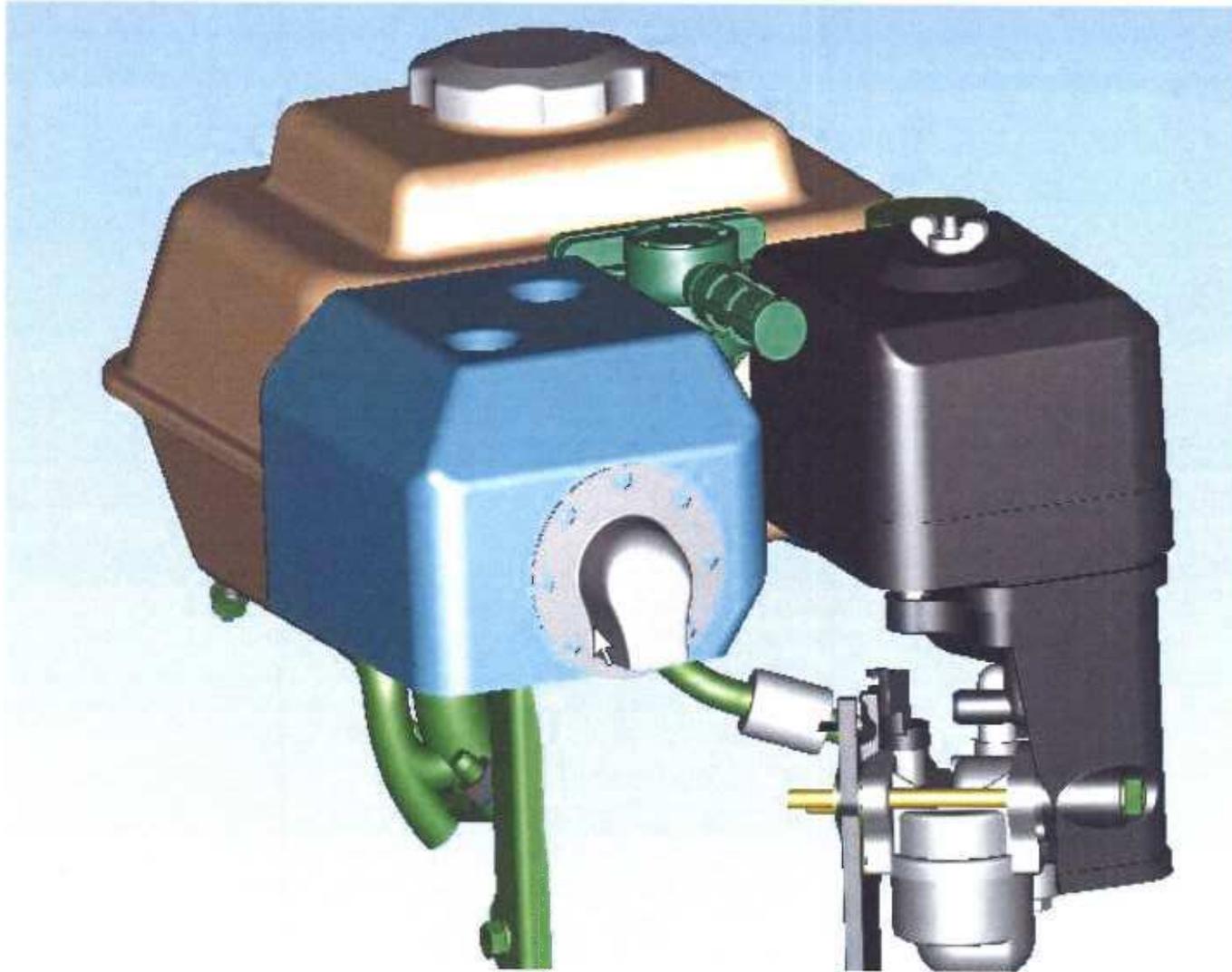


clearance from  
unit here

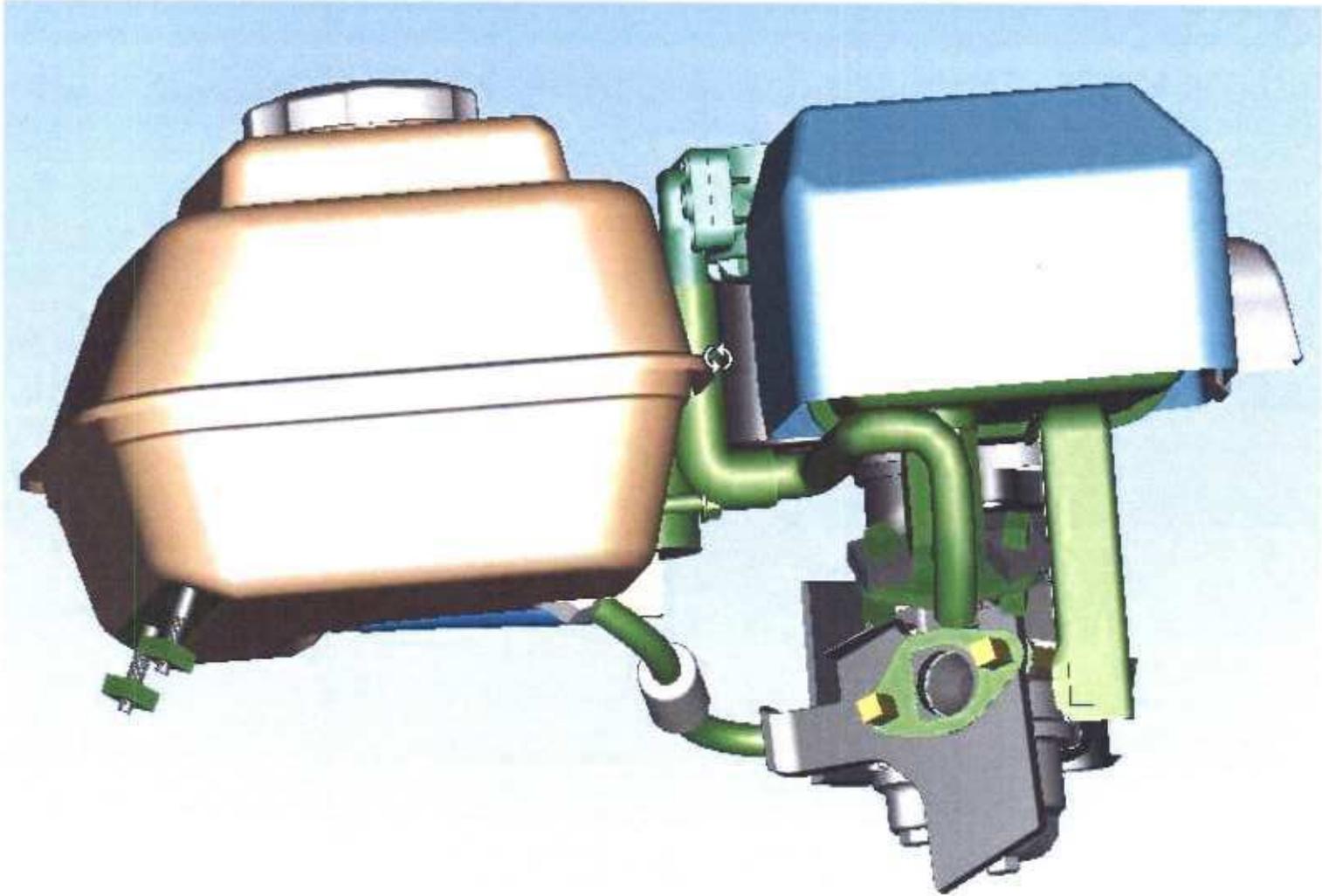


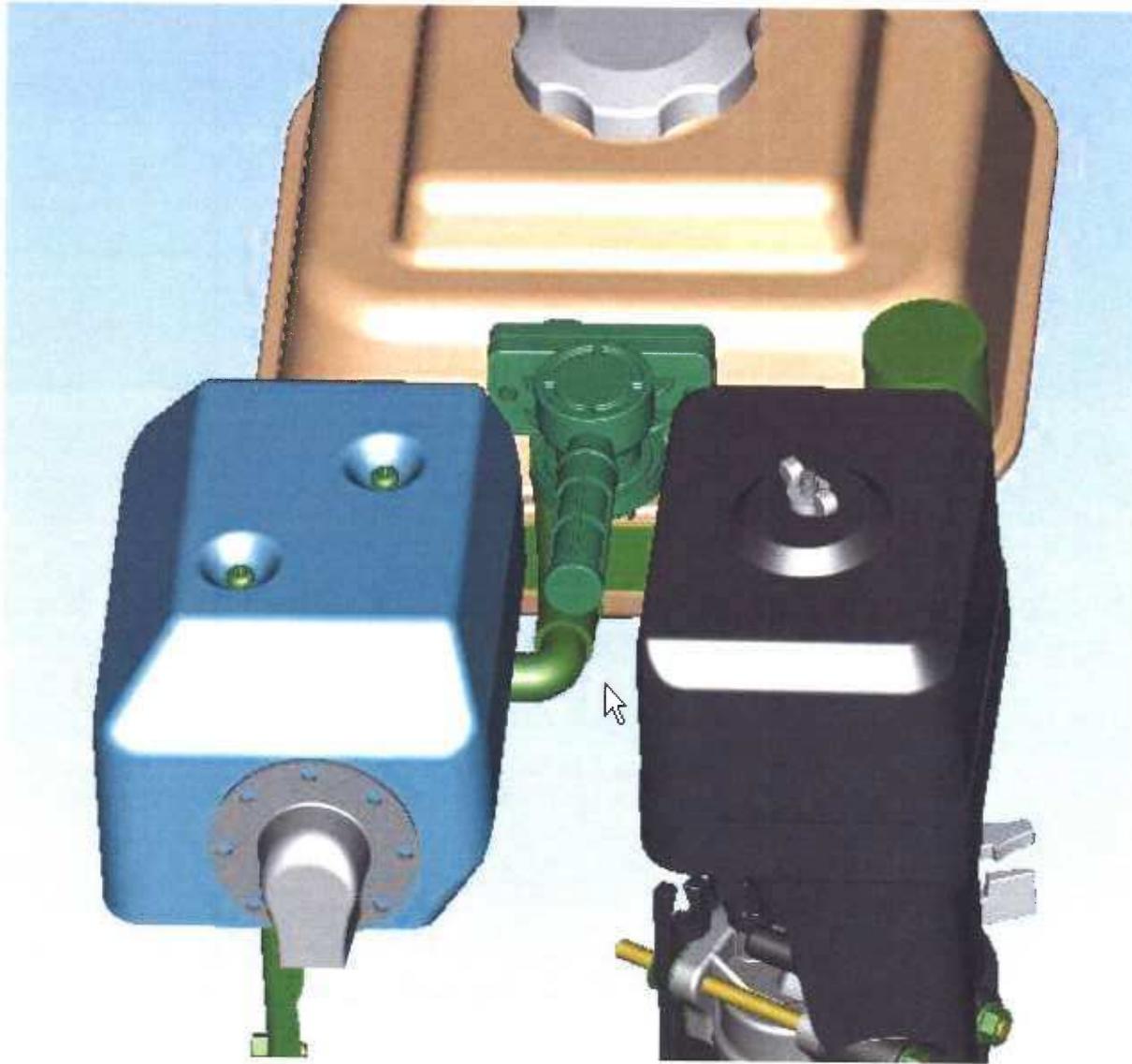
# CAD Images

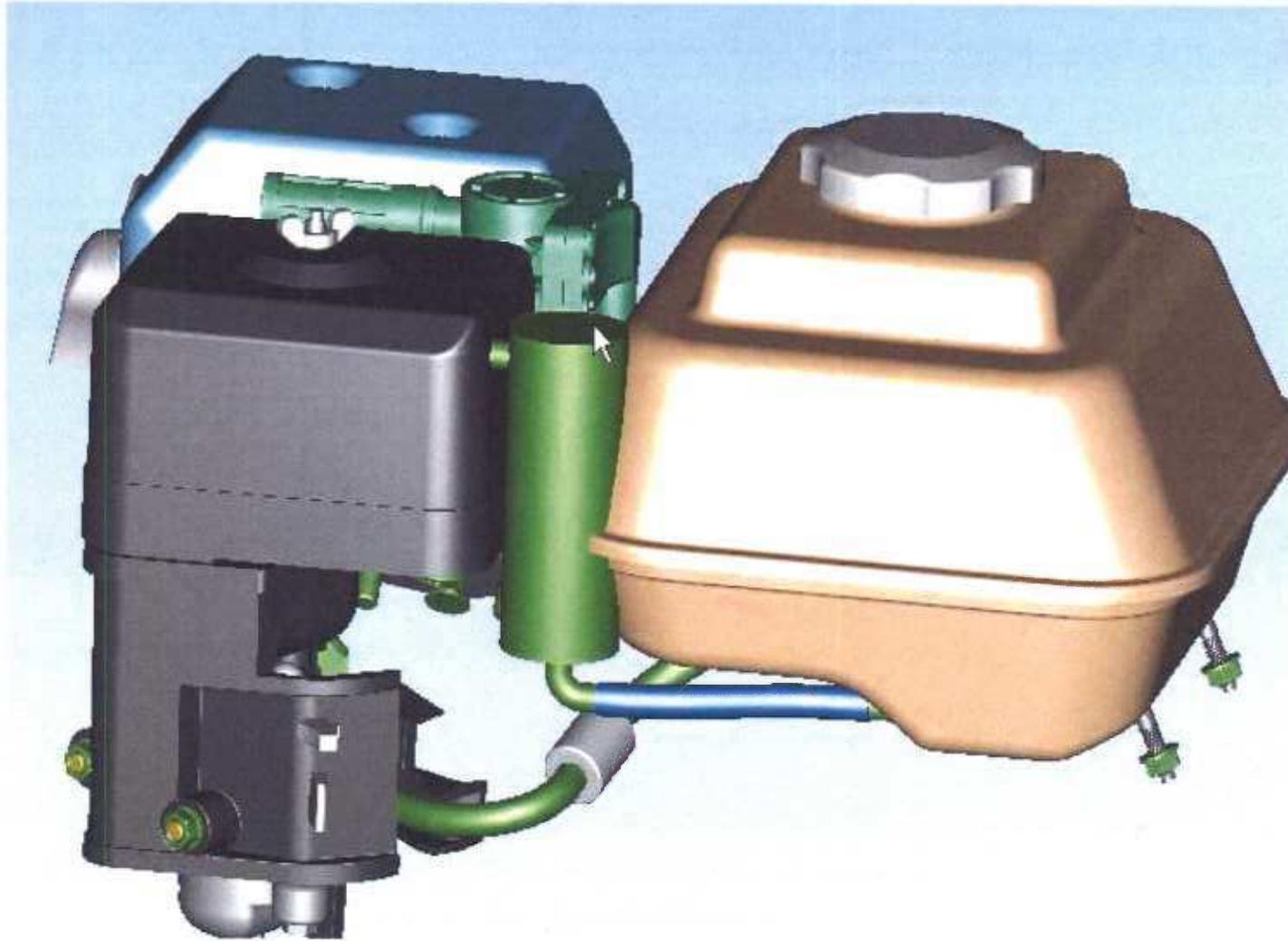
## Exhaust Deflector

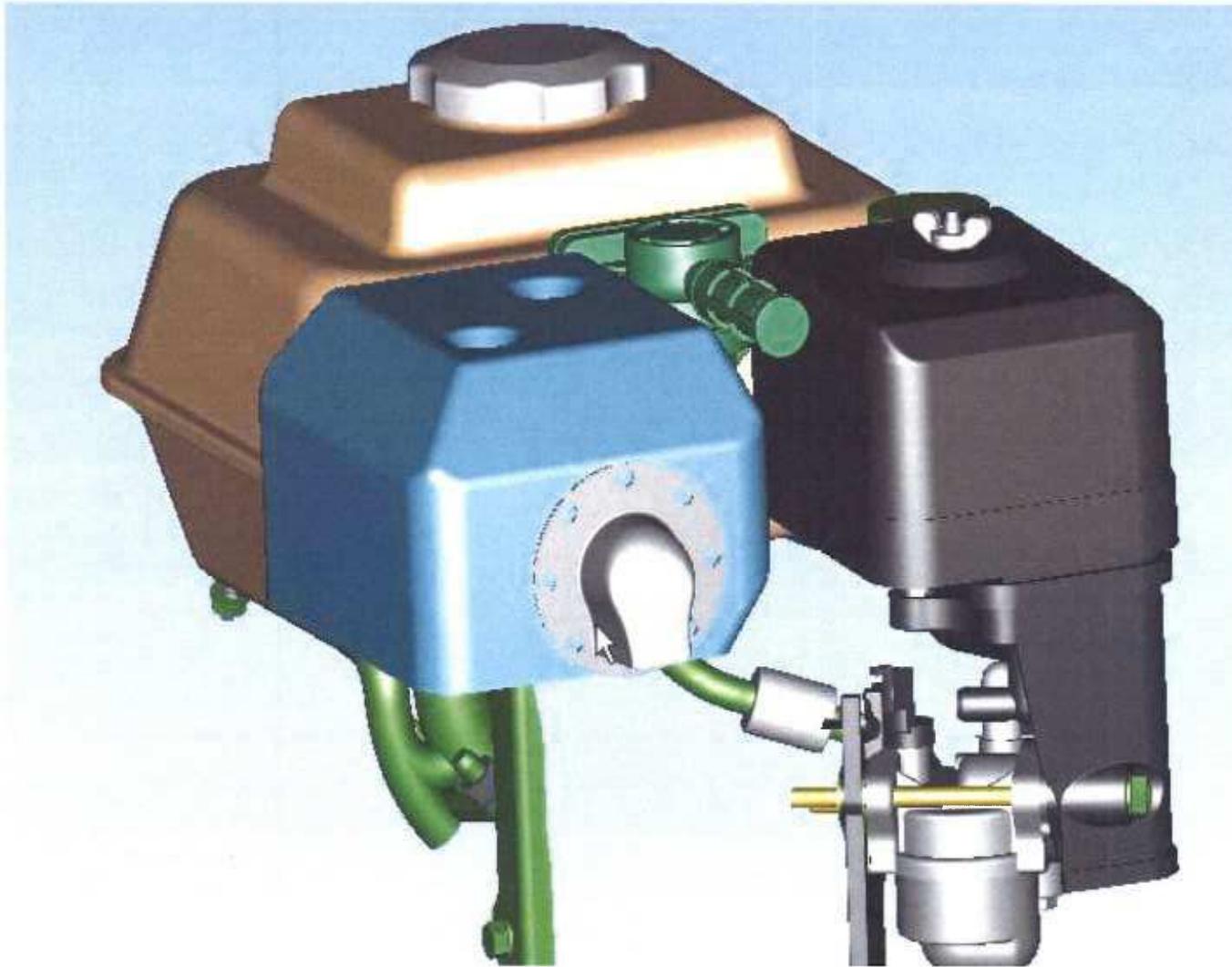












# Contact Info

## **Ami Verhalen**

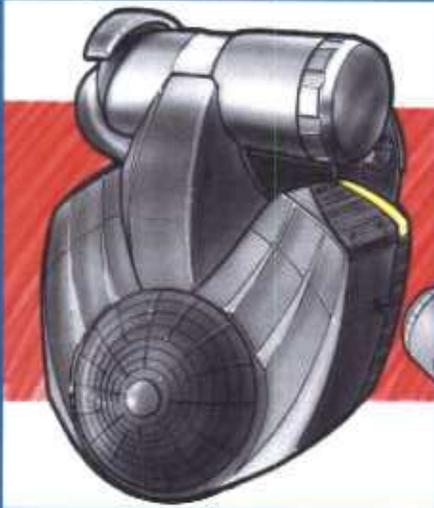
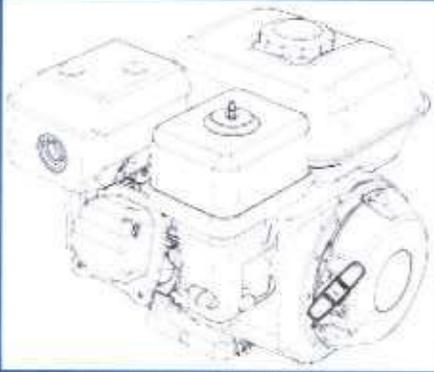
*Director of Industrial Design*

Design Concepts, Inc.  
5301 Buttonwood Drive  
Madison, WI 53718  
608.663.1510 direct phone  
608.221.2623 main phone  
608.221.2133 main fax  
ami.verhalen@design-concepts.com

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*Program Manager - Summit*

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920-453-5848 fax  
stacy.joaquin@kohler.com



# Kohler

## Small Industrial Engine Aesthetics

August 30, 2007

**KOHLER**  
ENGINES

### DCI Team

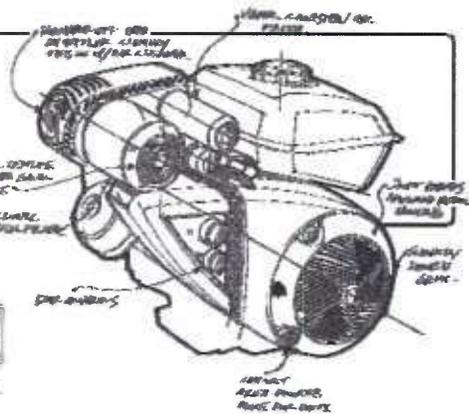
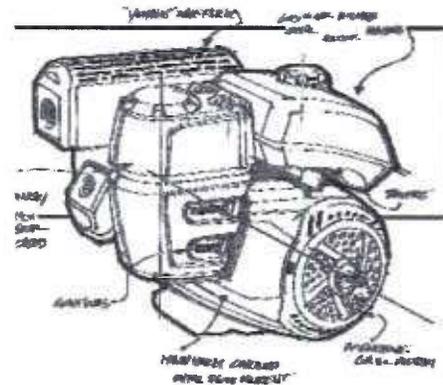
Ami Verhalen  
Nick Reback  
Dan Bullis  
Jeremy Richardson

### Kohler Team

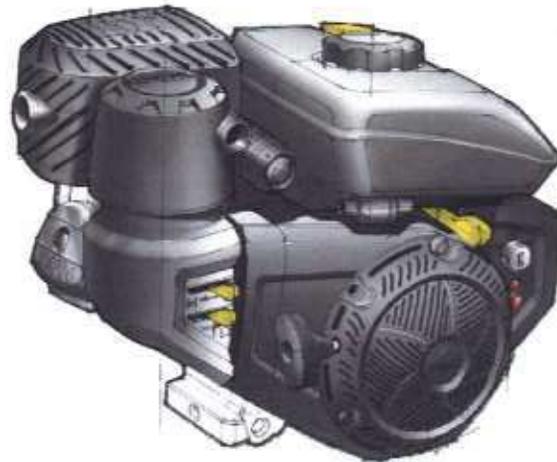
Stacy Joaquin  
Rich Koehl  
Cam Litt  
Terry Rotter

Briggs & Stratton Corp.  
and Kohler Co. v. Honda

July 12



July 27



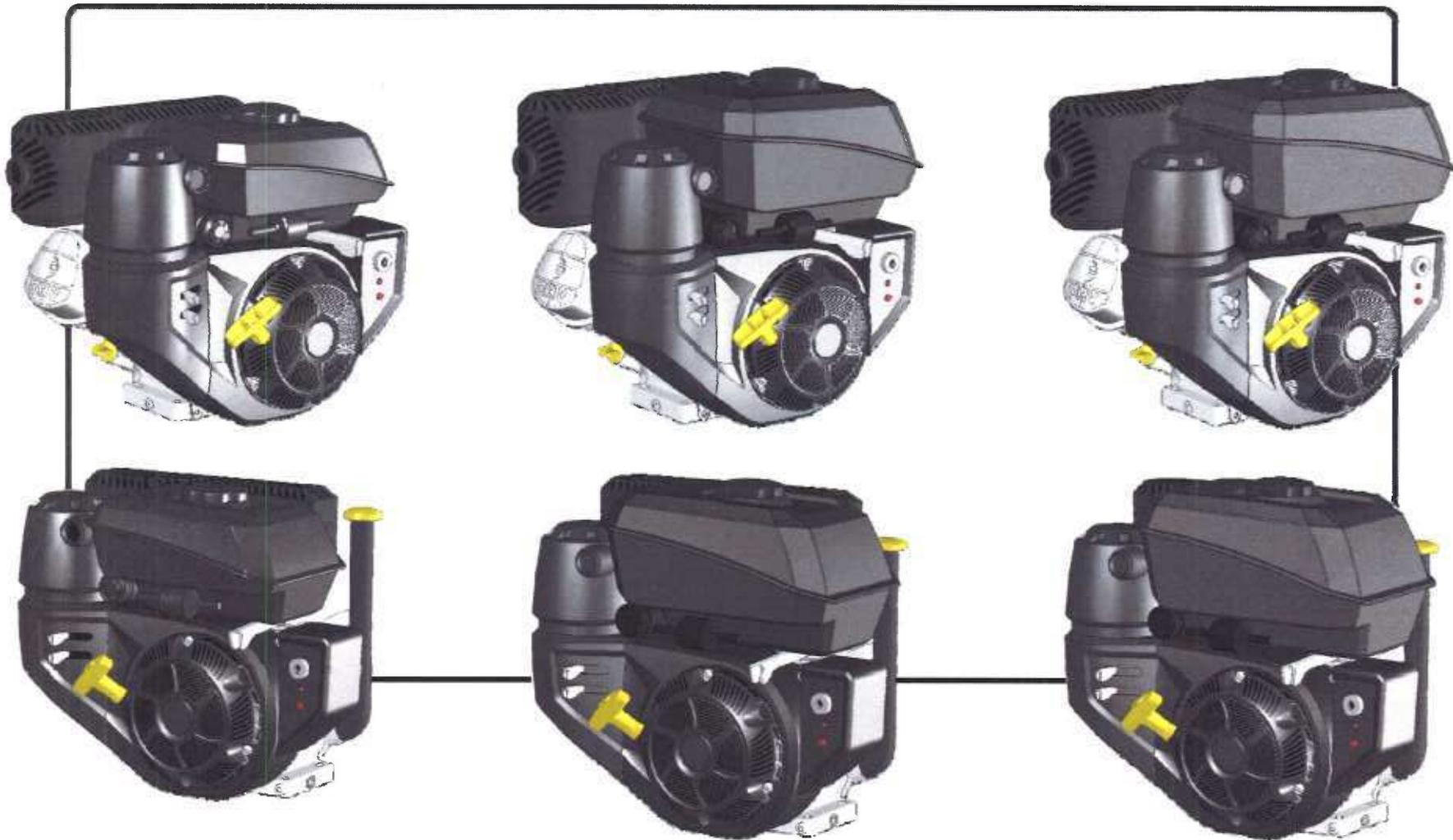
August 15



Frame 2 – 7.0 hp

Frame 3 - 9.5 hp

Frame 4 – 13.5 hp



# Final Concept

- Added graphics/decals and icons (except for emissions decal)
- Choke lever is longer than fuel shut off
- Oil fill tube has been “tucked in” and enters the shoulder of the crank case
- Rotary on/ off switch was added to the control panel
- Explored assembly of air cleaner elbow, including notch for levers to slide through during assembly
- Throttle size refined
- Recoil handle refined













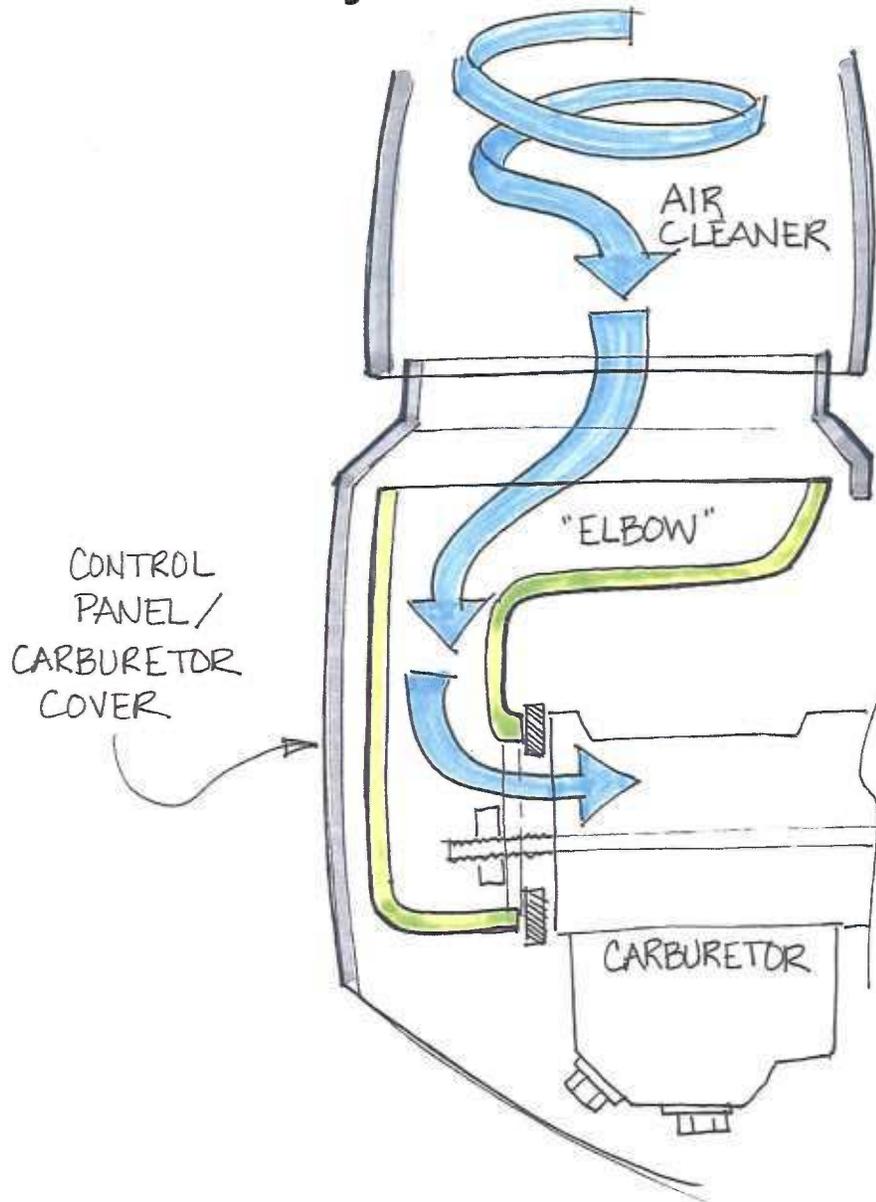


*\*\*\*NOTE: Electric start will not have yellow rotary on/ off switch*



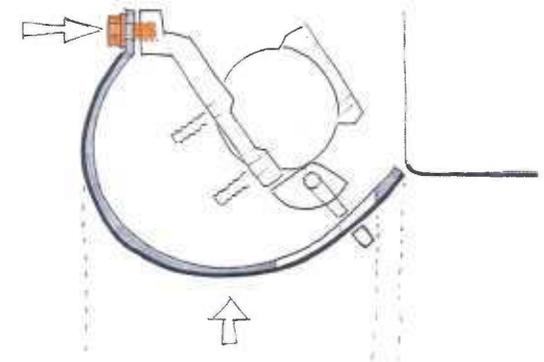
# Assembly

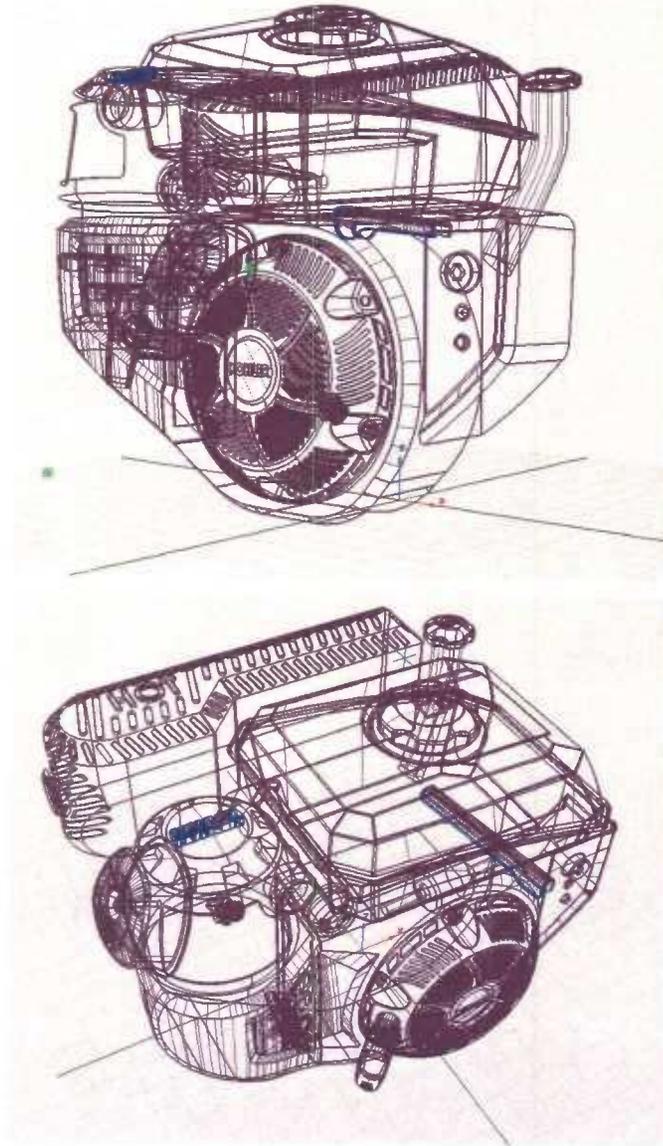
p.14



How can we assemble the air cleaner elbow to the carburetor? And how many parts are there?

Assemble control panel from front and fasten from left side





# Colors and Finishes

## Black- Painted Satin finish

- Fuel Tank
- Blower Housing
- Electric Start Housing

## Black Painted Matte finish

- Muffler

## Black- Molded Satin finish

- Recoil cover
- Air cleaner cover
- Control Panel
- Fuel cap

## Yellow- Molded Satin finish

- Recoil handle
- On/off rotary switch
- Oil fill cap

## Unfinished Steel

- Throttle, choke, fuel shut off levers
- Keyswitch

# Contact Info

## **Ami Verhalen**

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5301 Buttonwood Drive  
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608.221.2623 main phone  
608.221.2133 main fax  
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## **Stacy Joaquin**

*Program Manager - Summit*

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920-457-4441 x77758 phone  
920-453-5848 fax  
stacy.joaquin@kohler.com

**Opposers' Trial Exhibit No. 17**

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**Opposers' Trial Exhibit No. 19**

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**Opposers' Trial Exhibit No. 21**

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**Applicant's Trial Exhibit No. 12**

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**EXHIBIT**

**FILED UNDER SEAL**

**KOHLER** | Relentless Power.  
Legendary Performance.

RH265



*Lit*  
**EXHIBIT** *112*  
*3-19-14 JJ*

Briggs & Stratton Corp. and  
Kohler Co. v. Honda

**EXHIBIT**  
*91200832 (Parent)*  
*Applicant 13*  
*Lit 7-15*



### Press Release

New, User-Friendly KOHLER® Engine to Power Myriad Consumer Applications  
October 2013

KOHLER, Wis. – October 23, 2013 – Kohler Engines is pleased to roll out its new 2000 Series model RH265 – a 5.5 hp, horizontal-shaft, air-cooled, gasoline engine, which is ideal for a variety of consumer applications such as pressure washers, log splitters, tillers, edgers, and other utility equipment. The lightweight and compact RH265 engine is ruggedly designed to help extend product life and incorporates several user-friendly features to provide straightforward, dependable operation.

"The KOHLER RH265 engine was developed to be an easy-to-use workhorse for consumers everywhere," said Cam Litt, marketing manager for Kohler Engines. "Due to the engine's durability, reliability, and flexible design, we anticipate this model being widely utilized in all retail channels."

The overhead valve design of the RH265 engine helps prolong life and enhance fuel efficiency. The engine's splash lubrication system helps ensure all internal parts are appropriately oiled. Usability features incorporated into the engine include an easy-pull ergonomic handle for more comfortable and effective starting, dual oil fills and drains so oil can be added or removed from either side of the engine, a larger fuel tank for longer run time, an enhanced muffler for quieter operation, and Kohler's exclusive Accu-Fill™, which adds an oversized fuel tank opening as well as a fuel-level indicator inside of the tank to help prevent overfilling and spilling of gas.

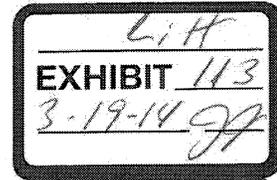
For more details about the RH265 engine, please call Kohler Engines at 1-800-544-2444. Additional information about the company and its current product offerings can also be obtained online at [KohlerEngines.com](http://KohlerEngines.com).

**About Kohler Engines**  
Together [Kohler Engines](http://KohlerEngines.com) and [Lombardini](http://Lombardini.com), a KOHLER Company, have been manufacturing engines since the 1920s. Kohler Engines produces a wide range of gaseous, gasoline and diesel engines up to 74.3 hp, which are supplied to equipment manufacturers worldwide in the lawn and garden, commercial and industrial, agricultural and construction markets. To learn more, visit [www.KohlerEngines.com](http://www.KohlerEngines.com) or [www.facebook.com/kohlerengines](http://www.facebook.com/kohlerengines).

**About Kohler Co.**  
Founded in 1873 and headquartered in Kohler, Wis., [Kohler Co.](http://KohlerCo.com) is one of America's oldest and largest privately held companies. Kohler is a global leader in the manufacture of [kitchen and bath products](#), [engines](#) and [power generation systems](#), [cabinetry](#), [tile](#) and [home interiors](#), and an international host to award-winning [hospitality and world-class golf destinations](#).

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Briggs & Stratton Corp.  
and Kohler Co. v. Honda



**Applicant's Trial Exhibit No. 15**

**CONFIDENTIAL**

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**EXHIBIT**

**FILED UNDER SEAL**



US00D605661S

(12) **United States Design Patent**  
**Koehl**

(10) **Patent No.:** **US D605,661 S**

(45) **Date of Patent:** **\*\* Dec. 8, 2009**

(54) **ENGINE**

(75) **Inventor:** **Richard R. Koehl**, Sheboygan Falls, WI (US)

(73) **Assignee:** **Kohler Co.**, Kohler, WI (US)

(\*\*) **Term:** **14 Years**

(21) **Appl. No.:** **29/326,622**

(22) **Filed:** **Oct. 21, 2008**

(51) **LOC (9) Cl.** ..... **15-01**

(52) **U.S. Cl.** ..... **D15/1**

(58) **Field of Classification Search** ..... **D15/1**.

**D15/3, 5, 17; 123/50 A, 50 B, 50 R, 198 E, 123/70 R, 41.7, 306, 308, 667**

See application file for complete search history.

Consumer Engine Product Literature; Internet Screen Shots from consumer websites and Google; the screen shots are dated Mar. 03, 2009; 16 pages

Chart listing types and pictures of various commercial engines; 2 pages: Mar. 2, 2009\* [Note: \*This date is provided because it is believed that at least some of the pictures contained in this document were obtained from the Internet on or around Mar. 2, 2009].

\* cited by examiner

*Primary Examiner*—Ian Simmons

*Assistant Examiner*—Wan Laymon

(74) *Attorney, Agent, or Firm*—Whyte Hirschboeck Dudek SC

(57) **CLAIM**

The ornamental design for an engine, as shown and described.

(56)

**References Cited**

**DESCRIPTION**

**U.S. PATENT DOCUMENTS**

D282,071 S *	1/1986	Nakamura	.....	D15/1
D309,612 S *	7/1990	Nakagawa	.....	D15/1
D515,589 S *	2/2006	Lin et al.	.....	D15/1
D516,580 S *	3/2006	Li	.....	D15/1
D529,046 S *	9/2006	Maeda et al.	.....	D15/1
D552,128 S *	10/2007	Li	.....	D15/1
D561,784 S *	2/2008	Yin et al.	.....	D15/1
D570,877 S *	6/2008	Glass et al.	.....	D15/1
D579,026 S *	10/2008	Busschaert	.....	D15/1
D583,829 S *	12/2008	Fan	.....	D15/1

**OTHER PUBLICATIONS**

Commercial Engine Product Literature; Internet Screen Shots from commercial websites and Google; the screen shots are dated Mar. 3, 2009; 28 pages.

FIG. 1 is a front perspective view of an engine showing my new design;

FIG. 2 is a front view thereof;

FIG. 3 is a left side view thereof;

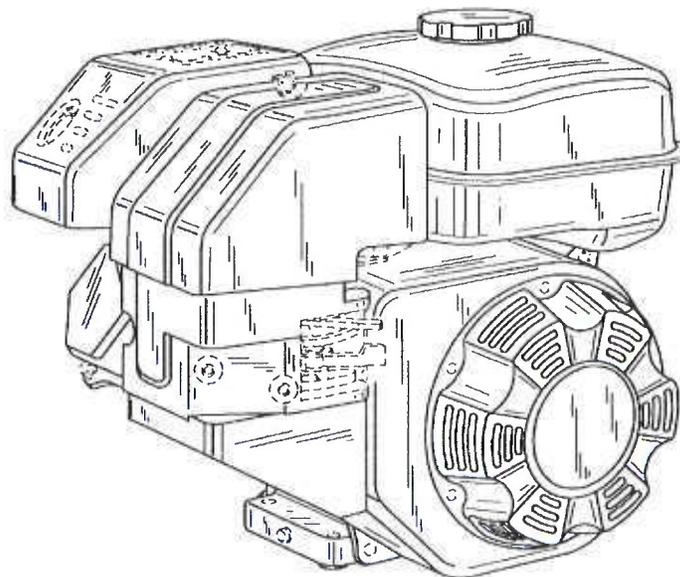
FIG. 4 is a rear view thereof;

FIG. 5 is a right side view thereof; and,

FIG. 6 is a top view thereof.

The broken lines shown in the figures are for illustrative environmental purposes only and form no part of the claimed design.

**1 Claim, 6 Drawing Sheets**



**Briggs & Stratton Corp. and Kohler Co. v. Honda**



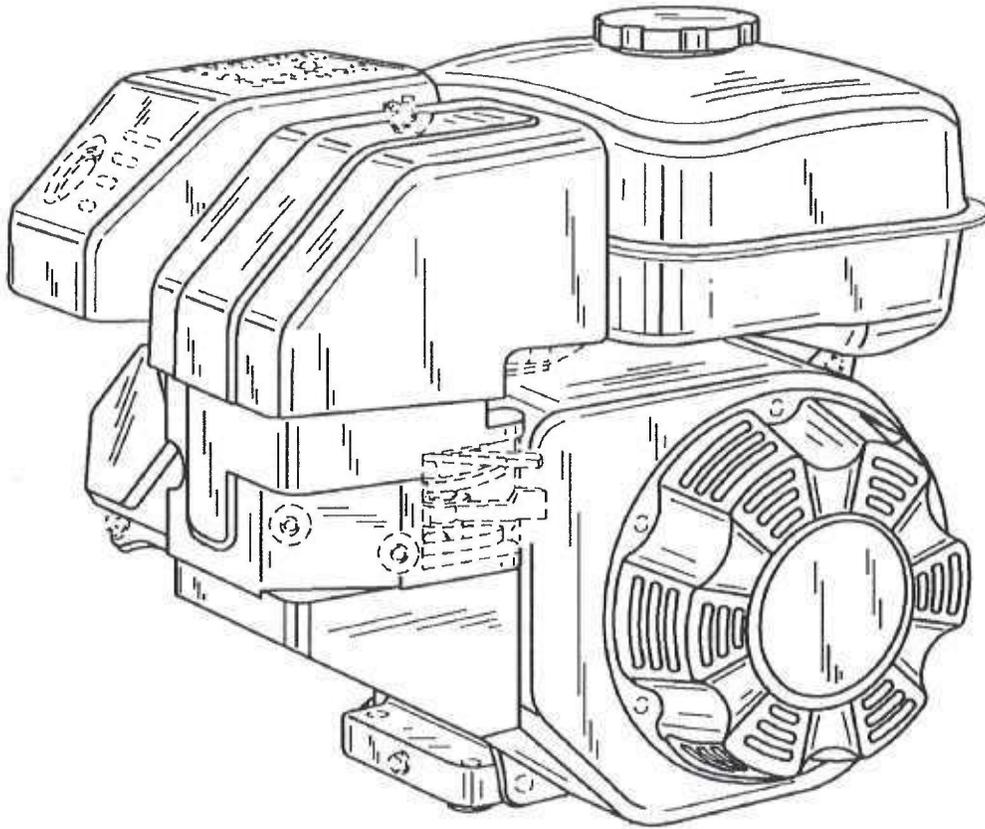


FIG. 1

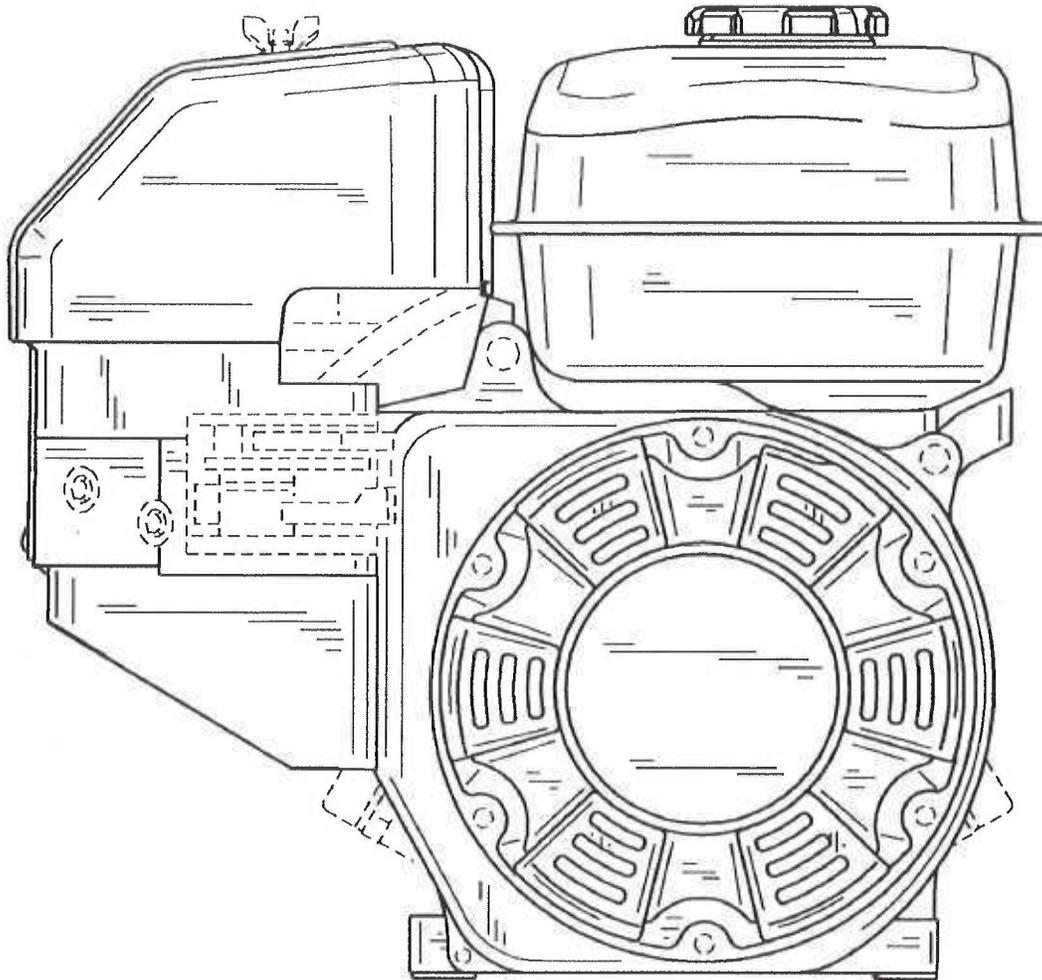


FIG. 2

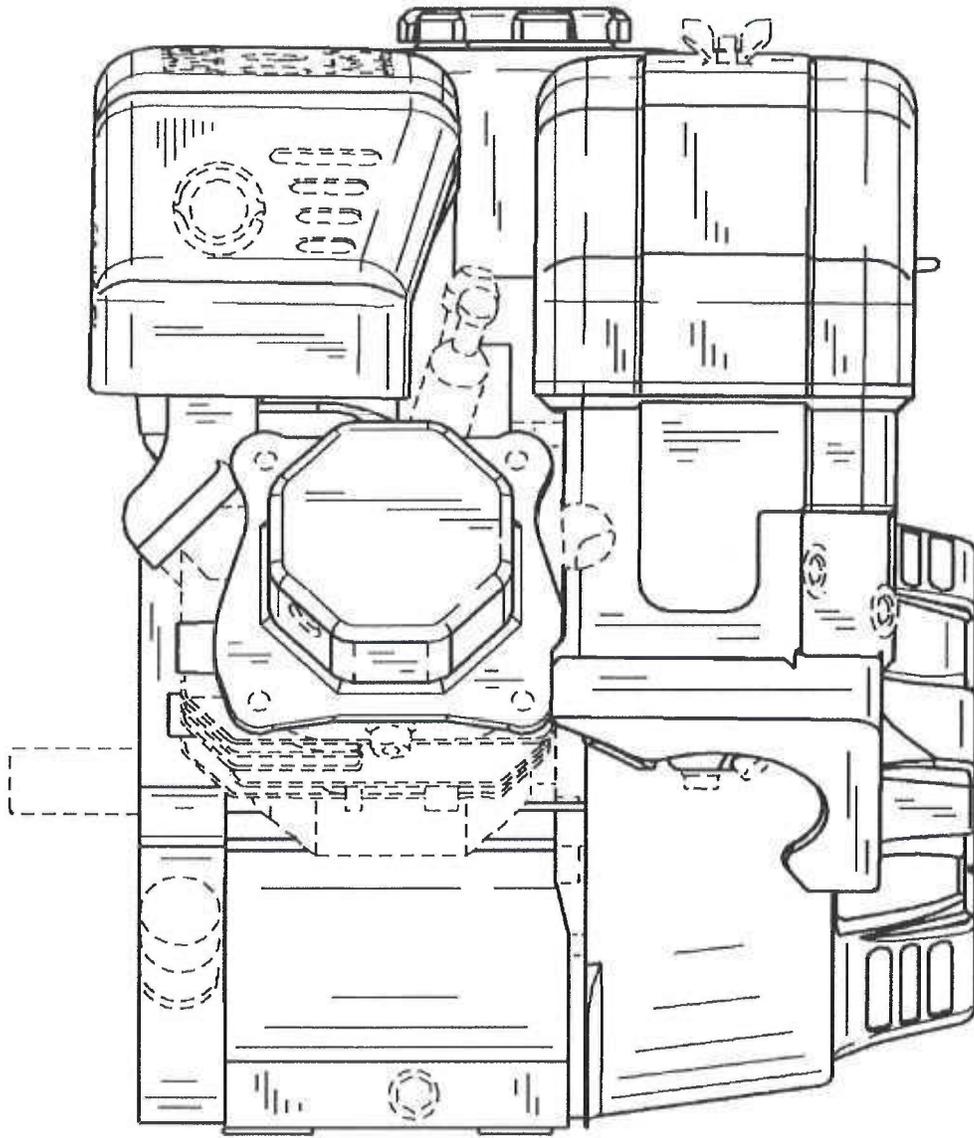


FIG. 3

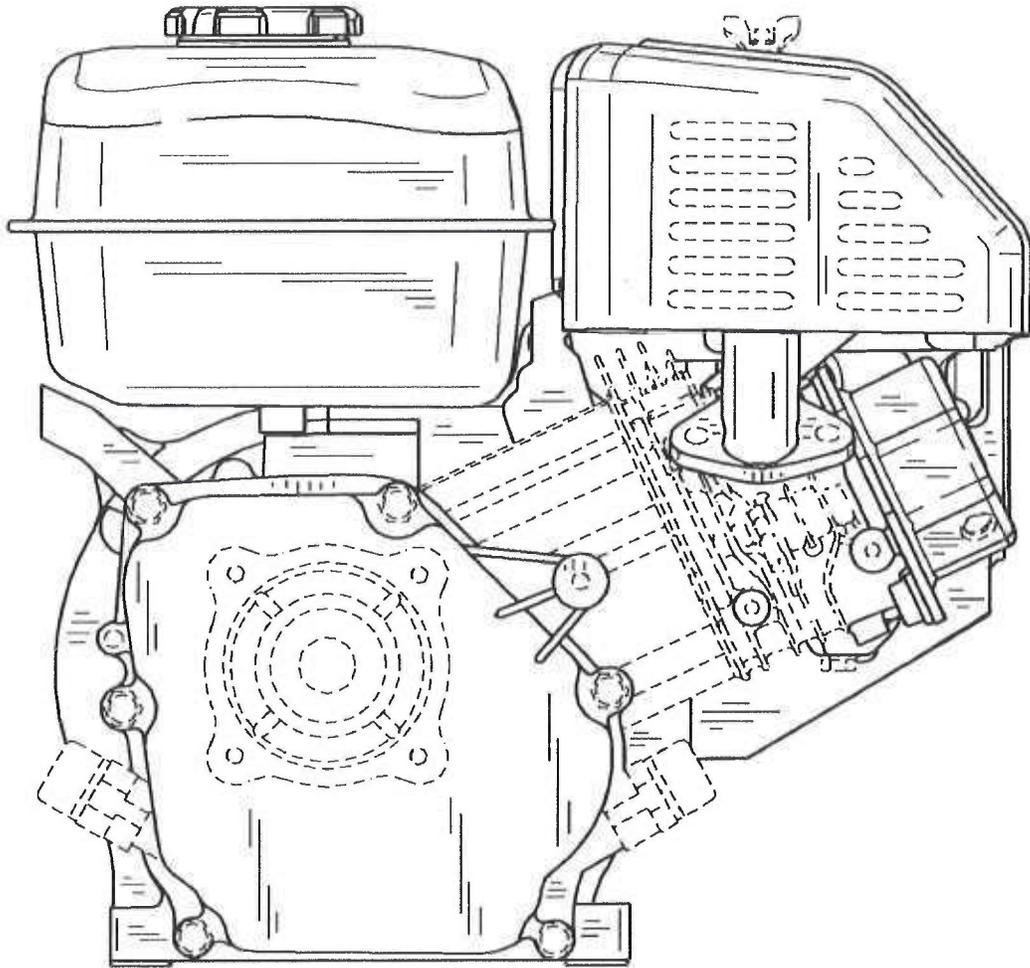


FIG. 4

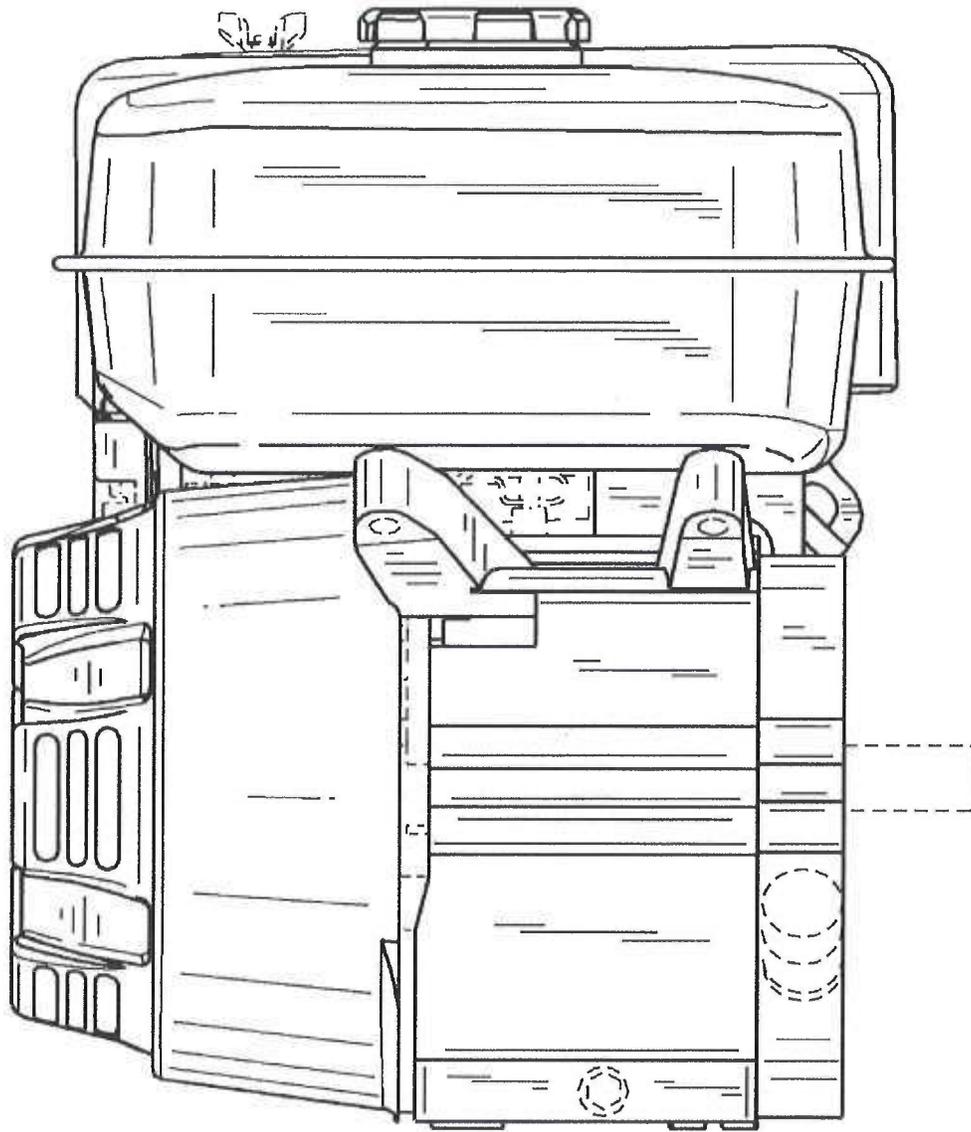


FIG. 5

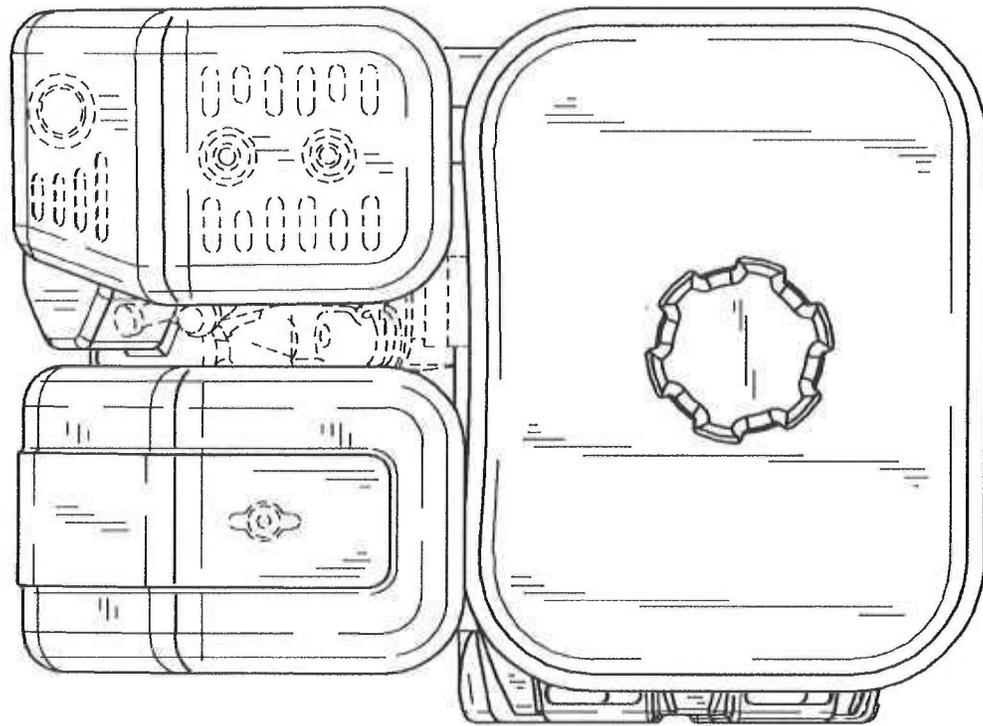


FIG. 6



Briggs & Stratton Corp. and  
Kohler Co. v. Honda

EXHIBIT  
91200832 (Parent)  
Applicant 17  
LH

**Applicant's Trial Exhibit No. 18**

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Briggs & Stratton Corp.  
and Kohler Co. v. Honda

#6

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**Sent:** Tuesday, January 25, 2011 00:25 AM  
**To:** michael.bevilacqua@wilmerhale.com  
**Subject:** Official USPTO Notice of Publication: Serial Number 78924545

## NOTICE OF PUBLICATION

**Serial Number:** 78-924,545  
**Mark:** Miscellaneous Design  
**International Class(es):** 007  
**Applicant:** Honda Giken Kogyo Kabushiki Kaisha (Honda Motor Co., Ltd.)  
**Attorney Reference Number:** 103.443.241

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2. Wait for the total OG to download completely (as indicated on bottom of OG page).
3. At the top/side of the displayed page, click wherever the "binoculars" icon appears.
4. Enter in the "search" box the name of the applicant (for individual: last name, first name) or the serial number in this exact format (with hyphen and comma): 78-924,545, e.g.
5. View the retrieved result(s). If multiple results appear in the "results" box, click directly on each "search term" shown in the box to access all separate appearances in the OG.

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 (Table presents the data on Publication & Issue Review Complete)

**OVERVIEW**

SERIAL NUMBER	78924545	FILING DATE	07/07/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	RAUEN, JAMES A	L.O. ASSIGNED	109

**PUB INFORMATION**

RUN DATE	11/30/2010
PUB DATE	01/04/2011
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE
STATUS DATE	11/27/2010
LITERAL MARK ELEMENT	

DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	YES	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	

MARK DRAWING CODE	2-AN ILLUSTRATION DRAWING WITHOUT ANY WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	20-OWNER AT PUBLICATION
NAME	Honda Giken Kogyo Kabushiki Kaisha (Honda Motor Co., Ltd.)
ADDRESS	No. 1-1, 2-Chome, Minamiaoyama Minato-Ku, Tokyo, 107-8556
ENTITY	03-CORPORATION
CITIZENSHIP	Japan

**GOODS AND SERVICES**

INTERNATIONAL CLASS	007
DESCRIPTION TEXT	engines for use in construction, maintenance and power equipment

**GOODS AND SERVICES CLASSIFICATION**

INTERNATIONAL CLASS	FIRST USE DATE	FIRST USE IN COMMERCE DATE	CLASS STATUS
007	10/00/1983	12/00/1984	6-ACTIVE

**MISCELLANEOUS INFORMATION/STATEMENTS**

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	Color is not claimed as a feature of the mark.
DISCLAIMER W/PREDETER TXT	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 receded area where control levers are located. The fuel tank is roughly rectangular. The engine features a beveling that runs around its top circumference.
LINING & STIPPLING STMT	The broken lining in the drawing is not part of the mark and serves only to indicate position.

### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
11/27/2010	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	059
11/12/2010	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	058
10/22/2010	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	057
10/22/2010	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	056
10/20/2010	ERFR	I	TEAS REQUEST FOR RECONSIDERATION RECEIVED	055
08/26/2010	GNFN	O	NOTIFICATION OF FINAL REFUSAL EMAILED	054
08/26/2010	GNFR	O	FINAL REFUSAL E-MAILED	053
08/26/2010	CNFR	R	FINAL REFUSAL WRITTEN	052
08/06/2010	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	051
08/06/2010	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	050
08/04/2010	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	049
02/05/2010	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	048
02/05/2010	GNRT	O	NON-FINAL ACTION E-MAILED	047
02/05/2010	CNRT	R	NON-FINAL ACTION WRITTEN	046
01/28/2010	ZZZX	Z	PREVIOUS ALLOWANCE COUNT WITHDRAWN	045
11/10/2009	PBSR	Z	WITHDRAWN FROM PUB - SENIOR ATTORNEY REQUEST	044
11/02/2009	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	043
10/28/2009	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	042
10/26/2009	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	041
10/26/2009	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	040
10/26/2009	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	039
04/27/2009	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	038
04/27/2009	GNRT	O	NON-FINAL ACTION E-MAILED	037
04/27/2009	CNRT	R	NON-FINAL ACTION WRITTEN	036
03/07/2009	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	035
03/07/2009	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	034
03/04/2009	MAIL	I	PAPER RECEIVED	033
10/29/2008	OP.I	T	OPPOSITION INSTITUTED NO. 999999	032
09/02/2008	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	031
09/02/2008	GNRT	O	NON-FINAL ACTION E-MAILED	030
09/02/2008	CNRT	R	NON-FINAL ACTION WRITTEN	029
08/18/2008	ZZZX	Z	PREVIOUS ALLOWANCE COUNT WITHDRAWN	028
07/30/2008	LOPT	I	LETTER OF PROTEST ACCEPTED	027

04/17/2008	ETOF	T	EXTENSION OF TIME TO OPPOSE RECEIVED	026
03/25/2008	PUBO	A	PUBLISHED FOR OPPOSITION	025
03/05/2008	NPUB	O	NOTICE OF PUBLICATION	024
02/19/2008	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	023
02/13/2008	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	022
02/11/2008	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	021
02/11/2008	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	020
02/11/2008	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	019
08/15/2007	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	018
08/15/2007	GNRT	O	NON-FINAL ACTION E-MAILED	017
08/15/2007	CNRT	R	NON-FINAL ACTION WRITTEN	016
08/12/2007	ZZZX	Z	PREVIOUS ALLOWANCE COUNT WITHDRAWN	015
07/23/2007	PBCR	Z	WITHDRAWN FROM PUB - OG REVIEW QUERY	014
07/06/2007	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	013
06/28/2007	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	012
06/22/2007	ACEC	I	AMENDMENT FROM APPLICANT ENTERED	011
06/22/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	010
06/22/2007	ALIE	A	ASSIGNED TO LIE	009
06/11/2007	MAIL	I	PAPER RECEIVED	008
02/21/2007	CHAN	I	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	007
02/21/2007	COAR	I	TEAS CHANGE OF OWNER ADDRESS RECEIVED	006
12/08/2006	GNRT	F	NON-FINAL ACTION E-MAILED	005
12/08/2006	CNRT	R	NON-FINAL ACTION WRITTEN	004
12/07/2006	DOCK	D	ASSIGNED TO EXAMINER	003
07/13/2006	MDSC	O	NOTICE OF DESIGN SEARCH CODE MAILED	002
07/12/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

### CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Michael J. Bevilacqua, Esquire
CORRESPONDENCE ADDRESS	MICHAEL J. BEVILACQUA, ESQUIRE WILMER CUTLER PICKERING HALE AND DORR LL 60 STATE ST BOSTON, MA 02109-1800
DOMESTIC REPRESENTATIVE	Michael J. Bevilacqua, Esquire

### PRIOR OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
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NAME	Honda Giken Kogyo Kabushiki Kaisha (Honda Motor Co., Ltd.)
ADDRESS	No. 1-1, 2-Chome, Minamiaoyama Minato-Ku, Tokyo, 107-8556
ENTITY	03-CORPORATION
CITIZENSHIP	Japan

