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

Proceeding	91200832
Party	Plaintiff Briggs & Stratton Corporation and Kohler Co.
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Signature	/Kenneth R. Nowakowski/
Date	10/12/2015
Attachments	Opposers' Seventh NOR (Public Version).pdf(381938 bytes )

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

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

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

**OPPOSERS' SEVENTH NOTICE OF RELIANCE**  
**(REDACTED – PUBLIC VERSION)**

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

1. Excerpts from the March 28, 2014, Deposition of Manuel Rumao, Kohler Corporation’s project manager, included as **Exhibit LL as pages:**

- Page 8 Line 22 to Page 11 Line 8
- Page 20 Line 6 to Line 13
- Page 32 Line 17 to Line 25
- Page 43 Line 19 to Page 48 Line 23
- Page 68 Line 15 to Page 70 Line 4
- Page 72 Line 19 to Page 73 Line 5
- Page 105 Line 21 to Page 106 Line 5
- Page 117 Line 15 to Page 119 Line 7
- Page 129 Line 6 to Page 132 Line 3
- Page 135 Line 5 to Page 135 Line 23
- Page 136 Line 23 to Page 137 Line 12
- Page 137 Line 18 to Page 138 Line 6
- Page 166 Line 8 to Line 12
- Page 176 Line 4 to Line 22 (all filed under seal);

2. Discovery Deposition Exhibit 97, line drawing from trademark application with writing added, previously filed within Opposers' Supplemental Fourth Notice of Reliance at page K-5-13. , included as **Exhibit MM**; and

3. Exhibit 123 of the March 26, 2014 Deposition of Peter Hotz, included as **Exhibit NN**, also filed as Exhibit B4 of Applicant's Second Notice of Reliance.

Applicant filed excerpts from the discovery deposition of Mr. Rumao. The deposition excerpts and exhibits designated by Opposers in this Notice of Reliance should in fairness be considered so as to make not misleading the excerpts offered by Applicant. The designations and exhibits are relevant to the issues of functionality and lack of secondary meaning of the Applicant's trademark.

The attached exhibits are marked with sequential page numbers in the upper right corner in the form of [Exhibit Letter – Page Number]. For example, the first page of Exhibit LL is “LL-1” and so forth. Where the upper right corner of a document does not allow for such marking, page numbers will be located along the right hand margin of the document. For briefing purposes, material within this Notice of Reliance will be identified as “O7NOR” (an acronym for Opposers' Seventh Notice of Reliance). For example, a reference to the first page of Exhibit LL in the trial brief would be O7NOR LL-1.

Opposers intend to rely upon and hereby make of record the attached exhibits. Certain of the attached exhibits contain information that Opposers consider confidential pursuant to the Stipulated Protective Order entered into by the parties and approved by the Board. Accordingly, Opposers are simultaneously filing and serving an unredacted copy.

Respectfully Submitted,

Dated: October 12, 2015

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Dated: October 12, 2015

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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing OPPOSERS' SEVENTH NOTICE OF RELIANCE (Redacted – Public Version) was served via first class mail, postage prepaid, this 12th day of October, 2015 upon:

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*/s/ Peter F. Sewell*

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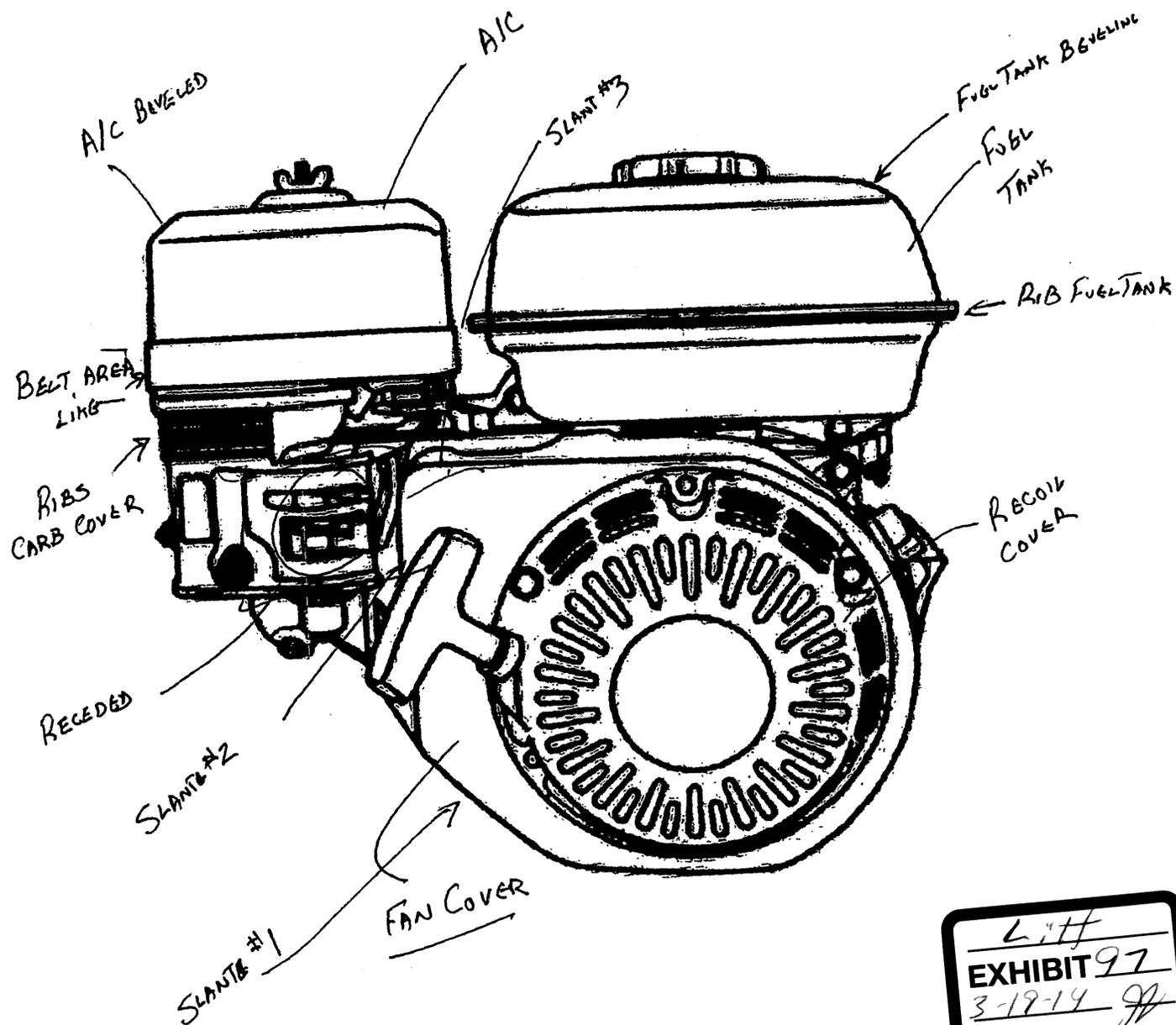
**PAGES LL-1 to LL-39**

**CONFIDENTIAL**

**ATTORNEYS' EYES ONLY**

**EXHIBIT**

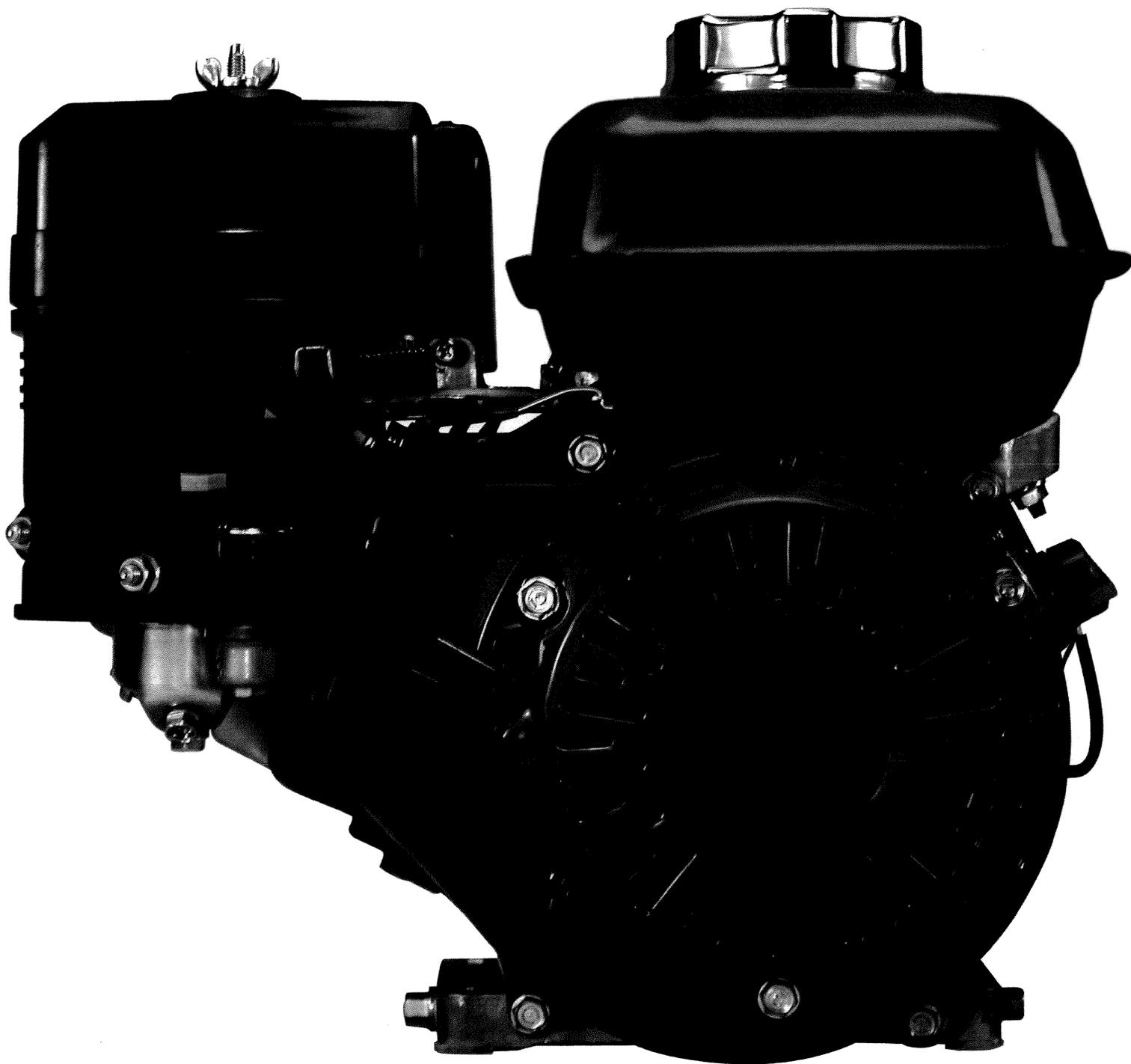
**FILED UNDER SEAL**



Litt  
**EXHIBIT 97**  
3-19-14 JJ

AHPB314374

AHGX 0057184



Hot 2  
EXHIBIT 123  
3-26-14 JF