

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

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Mailed: November 17, 2015

Opposition No. 91200832 (parent)
Opposition No. 91200146

*Briggs & Stratton Corporation and
Kohler Co.*

v.

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

David Mermelstein, Administrative Trademark Judge:

Consideration of Applicant's July 17, 2015, motion to strike the allegedly improper expert testimony of Jeff Whitmore is **DEFERRED** until final decision.

Determining whether the testimony in question is lay or expert testimony requires a review of the testimony itself. However, it is the policy of the Board not to read trial testimony or examine other trial evidence prior to final deliberations in the proceeding. *See* TBMP §§ 502.01 and 532 (2015).

If Opposer wishes to preserve its objections, it should renew them in its trial brief, and the parties should argue the matter in the alternative. *See* TBMP § 532.

The following stipulations are noted and approved: (1) the parties' July 15, 2015, stipulation to modify the trial schedule solely for the purpose of submitting affidavits from Subaru Power Products, Generac Power Systems, Inc., EquipSource,

LLC, and Jiangdong North America Corp/All Power USA; (2) the parties' July 15, 2015, stipulation providing for the use of the discovery deposition of Mr. John Lally and accompanying exhibits as trial evidence by means of notice reliance; and (3) the parties' September 10, 2015, stipulation providing for the use of the discovery deposition of Mr. Manual Rumao and accompanying exhibits as trial evidence by means of notice of reliance.

Dates remain as re-set by the Board's order dated March 27, 2015.

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

Applicant's change of correspondence address (filed August 3, 2015) is noted and the Board has updated its records accordingly.