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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	12/04/2015
Attachments	NOR 10 Public.pdf(12295 bytes) O Confidential Exhibit.pdf(5651 bytes) P Confidential Exhibit.pdf(5666 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)	Application Serial No. 78924545
KAISHA,)	
)	
Applicant.)	
)	
)	

APPLICANT’S CORRECTED TENTH NOTICE OF RELIANCE
(PUBLIC VERSION – REDACTED)

On September 14, 2015, Applicant Honda Giken Kogyo Kabushiki Kaisha (“Honda”) submitted its Tenth Notice of Reliance. Honda subsequently determined that this Notice of Reliance inadvertently mislabeled Applicant’s Trial Exhibits O and P. For the Board’s convenience, Honda therefore submits the foregoing Corrected Tenth Notice of Reliance.

Pursuant to 37 C.F.R. § 2.120(j), Applicant Honda Giken Kogyo Kabushiki Kaisha (“Honda”) submits, and gives notice of its reliance on, portions of the expert report and August 23, 2007 deposition of Kevin Hoag from *American Honda Motor Co., Inc. v. The Pep Boys*, 2:05-cv-08879-WDK-VBK (C.D. Cal. Nov. 13, 2007). The parties have stipulated to the admission of excerpts of Mr. Hoag’s deposition and expert report. *See* Dkt. No. 1415. Opposers designated certain sections of this transcript as Exhibit I to their Second Notice of Reliance. Honda hereby counter-designates the following portions of Mr. Hoag’s deposition and expert report which should in fairness be considered so as to give context to the portions of the

transcript offered by Opposers and to prevent any potential for the reader to be misled and for completeness.

Attached hereto are the excerpts of Mr. Hoag’s deposition transcript and expert report identified below at the specified Trial Exhibit Numbers.

Description	Applicant Trial Exhibit No.
Excerpts of Expert Report of Kevin Hoag in <i>American Honda Motor Co., Inc. v. The Pep Boys</i> , 2:05-cv-08879-WDK-VBK (C.D. Cal. Nov. 13, 2007)	O
Excerpts of August 23, 2007 Deposition of Kevin Hoag in <i>American Honda Motor Co., Inc. v. The Pep Boys</i> , 2:05-cv-08879-WDK-VBK (C.D. Cal. Nov. 13, 2007): 19:24-20:8 31:12-32:16 62:4-10 97:16-99:16 131:18-132:8 135:20-137:26 144:24-145:23 165:6-26 169:24-171:24 182:6-184:12 192:2-195:8 195:20-197:8 202:16-203:26 209:26-210:6 210:24-212:16 302:22-305:14 311:10-312:24 463:4-464:12 468:4-470:12 471:8-472:4 486:2-14	P

The designated portions of Mr. Hoag's deposition and expert report are relevant to the non-functionality of the applied-for mark in this proceeding. Honda therefore intends to rely upon and hereby make of record the attached exhibits.

Honda designated Mr. Hoag's deposition transcript and expert report "Confidential" pursuant to the protective order entered into by the parties and approved by the Board. Accordingly, Honda is simultaneously filing and serving a redacted copy of this Notice of Reliance.

Respectfully submitted,

Dated: December 4, 2015

/s/ Silena Paik

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CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing Tenth Notice of Reliance were served by first class mail, postage prepaid, this 4th day of December, 2015 upon:

Kenneth Nowakowski
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/s/ Shira Hoffman
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Confidential
Applicant Exhibit O

Confidential
Applicant Exhibit P