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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
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EXHIBIT C

February 2, 2010

By FedEx

Mr. Todd Teske
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Briggs & Stratton Corporation
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Re: Infringement of American Honda's Trade Dress

Dear Mr. Teske:

This firm represents American Honda Motor Co., Inc. ("American Honda"). American Honda has enforceable rights to the unique, distinctive and immediately recognizable trade dress of Honda GX engines, generators and power equipment incorporating GX engines (the "GX Trade Dress"). It has recently come to our attention that Briggs & Stratton ("B&S") is manufacturing and selling engines that are confusingly similar to the GX Trade Dress.

American Honda appreciates the cooperative business relations that it shared with Briggs & Stratton over the years, including the usage of Honda GX engines on Briggs & Stratton products. However, American Honda has recently learned that Briggs & Stratton is offering for sale and/or selling products that Honda believes infringes the GX Trade Dress, including, but not limited to, the 550 Series. In Honda's view, the sale of the 550 Series is likely to cause consumers to be confused or misled into believing that there is an affiliation, connection, and/or association between these products and American Honda, or that American Honda manufactured, sponsored or approved of such infringing products. Manufacture, importation, use, offering for sale, or sale of such product, therefore, infringes the GX Trade Dress.

As you are aware, American Honda has been selling GX engines, including model numbers GX120, GX160, GX200, GX240, GX270, GX340, and GX390, and generators and power equipment incorporating GX Engines in the United States since at least 1983. Standing alone or in certain power equipment like pumps, pressure washers and air compressors, GX engines have a unique, distinctive, and immediately recognizable design, characterized by numerous non-functional design elements and markings, including, in particular, the valve cover shape and design; the fan cover shape, including a unique combination of angular and rounded edges and the shape of the air guide portion of the fan cover; the air cleaner housing, including the wing-nut design; the carburetor housing, including the shape, plastic ribs, label and control placement and bolt locations and orientation; the combined and complementary shape of the fuel tank, air cleaner housing and heat shield each with a unique beveled edge angled to the outside of the engine and straight on the inside; the fuel tank size and shape; the engine oil cover color; the heat shield design; the oil alert system placement; the design and orientation of the fuel tank mount; the shape and design of the oil cover; the number, location and size of the air cooling fins; the

trapezoidal shape and size of the pad; and the relative position and orientation of each of the major engine components. ‘

When incorporated into generators, GX engines also have a unique, distinctive and immediately recognizable design, likewise characterized by numerous non-functional design elements and markings, including, in particular, the valve cover shape and design; the fan cover shape, including a unique combination of angular and rounded edges and the shape of the air guide portion of the fan cover; the air cleaner housing; the fuel tank size and shape; the engine oil fill cap color; the muffler heat shield design; the oil alert system placement; the shape, design and orientation of the unattached fuel tank mounts; the location, shape and design of the oil fill cap and drain cap; the number, location and size of the air cooling fins; the trapezoidal size and shape of the base pad; and the relative position and orientation of each of the major engine components.

Products incorporating the GX Trade Dress are sold by stores and distributors throughout the United States. American Honda GX Engines are well-known for their performance benefits, such as quiet operation, reduced fuel and maintenance costs, low environmental impact, versatility, easy start-up, compact and lightweight design, usability in any position, high power, and wide, flat torque. Because of American Honda’s exclusive use of the GX Trade Dress for more than 20 years, engines, generators and power equipment exhibiting the GX Trade Dress are associated with American Honda and with these sought-after performance characteristics.

As you may also know, the GX Trade Dress has been explicitly recognized as valid, enforceable, and infringed following a jury trial involving similar infringing products. *Powertrain, Inc. v. American Honda Motor Co., Inc.*, Civil Action No. 1:03CV668 (N.D. Miss. Aug. 13, 2007). I am attaching (as Exhibit A) a copy of the permanent injunction entered by the court in the *Powertrain* case, which explicitly recognizes the GX Trade Dress as valid and infringed.

The *Powertrain* court also entered final monetary judgment against the defendants in connection with their manufacture, sale, offer for sale and/or distribution of infringing products. Among others, the Court entered judgment against Shaoxing Tongyong Engine Mading Company, Inc. for more than \$12 million in damages (attached as Exhibit B), Best Machinery, Inc. for more than \$13 million in damages (attached as Exhibit C), and the *Powertrain* defendants for more than \$29 million in damages (attached as Exhibit D).

In addition to the defendants involved in the *Powertrain* case, many manufacturers, distributors and retailers, including the Jiangdong companies (“Jiangdong”), the Lifan companies (“Lifan”), Liquid Combustion Technologies, Worldwide Electric, Optigenerators International, Great Lakes d/b/a Wen Power Products, Homier Distributing, YAT Electrical Appliance Co., Whally Min Co., Chongqing Shineray, Huasheng Zhongtian, Empire Liquidators, American Fab d/b/a Titan Industrial, Tadd Wholesale Supply and Champion Power Equipment, Inc. have either recognized in writing the validity of the GX Trade Dress and/or have agreed to cease selling products that Honda believes infringe the GX Trade Dress. Indeed, Jiangdong and Lifan, two of the largest

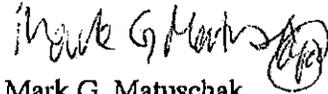
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engine manufacturers in China, have recognized the GX Trade Dress and agreed to redesign their engines so as to not infringe the GX Trade Dress, and Pep Boys, a large U.S. retailer, has agreed that it will no longer sell infringing Jiangdong and Lifan products.

As you may expect, the GX Trade Dress is extremely valuable, making this an issue of grave concern to American Honda. American Honda appreciates the strong business relationship that it has shared with Briggs & Stratton over the years and would be willing to consider a reasonable proposal from Briggs & Stratton to achieve a businesslike solution to this issue. In particular, Honda requests that Briggs & Stratton consider a redesign of its 550 Series such that the 550 Series is not confusingly similar to Honda's GX Trade Dress. Honda has worked with a number of companies on redesign activities so as not to infringe the GX Trade Dress and would be willing to do so here.

In the meantime, we believe that it is in the parties' best interest, as well as in the consuming public's best interest, if Briggs & Stratton agrees to cease all manufacture, sale, importation and distribution of the 550 Series. I look forward to your prompt reply.

Very truly yours,



Mark G. Matuschak

MGM:dfd
Enclosures