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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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Attachments	Briggs & Stratton - Declaration of Seth Herring.pdf (4 pages)(88926 bytes)

telephonic meet and confer, during which Opposers repeatedly explained why Honda's requests were overbroad and unduly burdensome given the limited scope of the proceedings. In many instances, Honda admitted its requests were overbroad and agreed to narrow them considerably. However, in other instances, Honda refused to narrow its requests, often justifying a broad request by identifying a small subset of allegedly relevant documents within that request. During this call, which lasted almost three hours, Opposers repeatedly noted that Honda's requests covered over 20 engines for each Opposer. Not once did Honda tell Opposers that it was limiting its requests to the two products listed in its motion to compel. Also on this call, Kohler's counsel specifically asked whether Honda wanted the advertisements and marketing materials themselves, or if it was instead requesting all documents concerning advertisements (such as related emails, presentations, etc.). Honda's counsel replied that Honda was seeking all documents concerning advertisements and marketing materials.

5. Attached hereto as **Exhibit C** is a true and correct copy of a letter from Mr. Mark G. Matuschak of Honda to Mr. Todd Teske of Briggs, dated February 2, 2012.

6. On July 12, 2012, Honda sued Briggs in Italy over the design of the 550 series engine. I am informed and believe that, absent a court order, document discovery is not available in such proceeding.

7. I have reviewed Honda's document production in this opposition. Honda's production almost exclusively consists of documents produced and filed in prior cases involving Honda's GX engine. Honda has produced only a few pages regarding the redesign of the GX engine. Also, Honda has admitted in response to requests for

admission that it has not published advertisement showing the GX engine in any color other than red, white and black.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on the 10th day of September, 2012 at San Francisco, California.

By /s/ Seth B. Herring
Seth B. Herring

CERTIFICATE OF SERVICE

In accordance with Rule 2.105(a) of the Trademark Rules of Practice, as amended, it is hereby certified that a true copy of the foregoing DECLARATION OF SETH B. HERRING IN SUPPORT OF OPPOSERS' OPPOSITION TO HONDA'S MOTION TO COMPEL was served on the following counsel of record for Applicant, by depositing same in the U.S. mail, first class postage prepaid, this 10th day of September, 2012:

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/s/ Deborah L. Kalahale

Deborah L. Kalahale