

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

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Mailed: October 12, 2012

Opposition No. 91200832

Briggs & Stratton Corporation

v.

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

Opposition No. 91200146

Kohler Co.

v.

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

Cheryl S. Goodman, Interlocutory Attorney:

Pursuant to Board procedure, opposers filed notifications on September 28, 2012, and a re-filed copy on October 2, 2012, (due to Board request) advising the Board that they have retained expert witnesses whom they may use at trial to present evidence and have served the required expert disclosure upon applicant pursuant to Fed. R. Civ. P. 26(a)(2). Applicant filed its notice of expert disclosure on September 28, 2012.

Although proceedings are presently suspended pending disposition of the motion to compel which was fully briefed on

October 1, 2012, the parties may proceed with expert discovery during the pendency of the motion to compel.

If either party retains an expert for rebuttal purposes only, the parties should serve a rebuttal expert disclosure on the adverse party, as well as file such notice with the Board.

The parties shall be afforded a period of 60 days to take expert discovery, which would include discovery of rebuttal expert. Should the motion to compel be decided prior to the conclusion of the period for expert discovery, proceedings shall remain suspended for that purpose.

In the event that the parties complete expert discovery before the 60-day period concludes, they should so advise the Board so that appropriate dates may be reset.

By this order, the Board assumes that the parties have complied with all the requirements concerning an expert witness disclosure under Fed. R. Civ. P. 26(a)(2), including service of an expert witness report, concurrently with their expert witness disclosure, upon the adverse party.

Proceedings herein remain suspended.