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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	01/24/2014
Attachments	Answer to Kohler's Second Amended Notice of Opposition.pdf(13704 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 KAISHA,)	Application Serial No. 78924545
)	
Applicant.)	
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**APPLICANT HONDA GIKEN KOGYO KABUSHIKI KAISHA’S ANSWER TO
OPPOSER KOHLER CO.’S SECOND AMENDED NOTICE OF OPPOSITION**

Applicant, Honda Giken Kogyo Kabushiki Kaisha, by and through its attorneys, hereby responds to Opposer Kohler Co.’s Second Amended Notice of Opposition as follows:

1. Applicant is without sufficient knowledge or information to form a conclusion as to the truth of the allegations contained in Paragraph 1, and therefore denies them.
2. Applicant admits the allegations in Paragraph 2, and further states that the description includes the following: “The broken lining in the drawing is not part of the mark and serves only to indicate position.”
3. Applicant admits the allegation in Paragraph 3.
4. Applicant denies each and every allegation contained in Paragraph 4.
5. Applicant denies each and every allegation contained in Paragraph 5.
6. Applicant admits that Exhibit B purports to be photographs of mid-size, horizontal shaft utility engines. Applicant is without sufficient knowledge or information to form a conclusion as to the truth of Opposer’s assertion that the engines depicted in

Exhibit B are in the marketplace, and therefore denies that allegation. Applicant denies the remaining allegations in Paragraph 6.

7. Applicant denies each and every allegation contained in Paragraph 7.

8. Applicant denies each and every allegation contained in Paragraph 8.

9. Applicant denies each and every allegation contained in Paragraph 9.

10. Applicant denies each and every allegation contained in Paragraph 10.

11. Applicant admits that Exhibit B purports to be photographs of mid-size, horizontal shaft utility engines. Applicant is without sufficient knowledge or information to form a conclusion as to the truth of Opposer's assertion that the engines depicted in Exhibit B are in the marketplace and co-exist with Applicant's engine, and therefore denies that allegation. Applicant denies the remaining allegations in Paragraph 11.

12. Applicant admits that it recently made changes to some aspects of its GX series horizontal shaft engines. Applicant further admits that these changes include removing the ribs on the carburetor cover and minor modifications to the beveling on the top circumference of the air cleaner and fuel tank. Applicant denies the remaining allegations contained in Paragraph 12.

13. Applicant denies each and every allegation contained in paragraph 13.

14. Applicant denies each and every allegation contained in paragraph 14.

15. Applicant denies each and every allegation contained in paragraph 15.

16. Applicant denies each and every allegation contained in paragraph 16.

17. Upon information and belief, Applicant admits that Opposer is a seller of engines and a competitor of Applicant's in the engine filed.

18. Applicant denies that its mark is descriptive, nondistinctive or functional. The remaining allegations of Paragraph 18 state conclusions of law to which no response is required. To the extent that there are other factual allegations contained in Paragraph 18, Applicant denies each and every such allegation.

19. Paragraph 19 states a conclusion of law to which no response is required. To the extent there are factual allegations contained in Paragraph 19, Applicant denies each and every such allegation.

Wherefore, Applicant requests that the Board reject Opposer's grounds in its Second Amended Notice of Opposition, deny the relief requested by Opposer, and grant Applicant's applied-for mark that is the subject of this Opposition proceeding.

Date: January 24, 2014

HONDA GIKEN KOGYO KABUSHIKI KAISHA
(HONDA MOTOR CO., LTD.)

By its attorneys,

/s/ Sarah R. Frazier

Vinita Ferrera

John Regan

Silena Paik

Sarah R. Frazier

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Applicant Honda Giken Kogyo Kabushiki Kaisha's Answer To Opposer Kohler Co.'s Second Amended Notice of Opposition was served via first class mail, postage prepaid, this 24th day of January, 2014 upon:

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