

ESTTA Tracking number: **ESTTA607577**

Filing date: **06/02/2014**

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.)
Correspondence Address	MICHAEL J BEVILACQUA WILMER CUTLER PICKERING HALE AND DORR LLP 60 STATE ST BOSTON, MA 02109 1800 UNITED STATES silena.paik@wilmerhale.com, michael.bevilacqua@wilmerhale.com, john.regan@wilmerhale.com, shira.hoffman@wilmerhale.com, sarah.frazier@wilmerhale.com
Submission	Other Motions/Papers
Filer's Name	Sarah R. Frazier
Filer's e-mail	sarah.frazier@wilmerhale.com
Signature	/Sarah R. Frazier/
Date	06/02/2014
Attachments	Joint Stipulation Regarding Use of Discovery Deposition.pdf(13731 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

BRIGGS & STRATTON CORPORATION)	
)	
vs. Opposer,)	Opposition No. 91200832 (Parent)
)	
HONDA GIKEN KOGYO KABUSHIKI KAISHA,)	
)	
Applicant.)	
)	
KOHLER CO.)	
)	
vs. Opposer,)	Opposition No. 91200146
)	
HONDA GIKEN KOGYO KABUSHIKI KAISHA,)	
)	
Applicant.)	
)	

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

**STIPULATION REGARDING THE USE OF DISCOVERY DEPOSITION TESTIMONY
OF YUKIO SUGIMOTO AS EVIDENCE AT TRIAL**

Applicant Honda Giken Kogyo Kabushiki Kaisha (“Honda”) and Opposers Briggs & Stratton Corporation (“Briggs”) and Kohler Co. (“Kohler”) (collectively, “Opposers”) (collectively, “Parties”), by and through their respective counsel of record, hereby stipulate and agree as follows:

1. On May 9, 2014, Opposers served a Notice of Continued Taking of Deposition of Honda pursuant to Federal Rule of Civil Procedure 30(b)(6) (“Notice”).

2. Honda designated Mr. Yukio Sugimoto, a resident of Japan, to testify on behalf of Honda with respect to certain topics identified in the Notice.

3. On May 30, 2014, Mr. Sugimoto appeared for a discovery deposition pursuant to the Notice.

4. Mr. Sugimoto will be out of the United States during the Parties' testimony periods.

WHEREAS in the interest of justice and for the convenience of the Parties and Mr. Sugimoto, Opposers and Honda seek to introduce portions of Mr. Sugimoto's discovery deposition testimony as evidence in these proceedings during the Parties' testimony periods.

BASED UPON THE FOREGOING, IT IS HEREBY STIPULATED PURSUANT TO 37 CFR 37 § 2.120(j)(2) that:

(1) Both parties may submit any portions of the discovery deposition of Mr. Sugimoto into evidence during the trial periods subject to objections;

(2) All evidentiary objections are reserved whether or not stated on the record; however, either party may dispute the merits of an objection (except it will not be permissible to argue that an objection was waived because it was not made during the deposition); and

(3) In the event the Board rejects this Stipulation, Honda reserves the right to pursue a trial deposition of Mr. Sugimoto.

Dated: June 2, 2014

By: /s/ Robert N. Phillips

Robert N. Phillips
Seth B. Herring
Reed Smith LLP
101 Second Street
San Francisco, CA 94105

Attorneys for Opposer Briggs & Stratton
Corporation

Dated: June 2, 2014

By: /s/ Donald A. Daugherty

Donald A Daugherty, Jr.
Elizabeth Townsend Bridge
Melinda Giftos
Whyte Hirschboeck Dudek S.C.
535 East Wells Street, Suite 1900
Milwaukee, WI 53202

Attorneys for Opposer Kohler Co.

Dated: June 2, 2014

By: /s/ Sarah R. Frazier

Vinita Ferrera
John Regan
Silena Paik
Sarah R. Frazier
Shira Hoffman
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, MA 02109-1800

Attorneys for Applicant

IT IS SO ORDERED.

Dated: _____, 2014

Cheryl S. Goodman
Interlocutory Attorney