

ESTTA Tracking number: **ESTTA628842**

Filing date: **09/23/2014**

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

Proceeding	91213597
Party	Defendant Tigercat International Inc.
Correspondence Address	CANDACE LYNN BELL ECKERT SEAMANS CHERIN & MELLOTT LLC 50 S 16TH STREET, 22ND FLOOR PHILADELPHIA, PA 19102 2523 UNITED STATES cbell@eckertseamans.com, rjacobsmeadway@eckertseamans.com, lscollon@eckertseamans.com
Submission	Other Motions/Papers
Filer's Name	Candace Lynn Bell
Filer's e-mail	cbell@eckertseamans.com, rjacobsmeadway@eckertseamans.com, blabutta@eckertseamans.com
Signature	/Candace Lynn Bell/
Date	09/23/2014
Attachments	DECLARATION OF JOHN METZGER ISO APPLICANT'S REPLY TO OPPOSITION TO MOTION TO COMPEL (M1289485).pdf(100285 bytes ) EXHIBIT A TO METZGER DECLARATION ISO APPLICANT'S REPLY TO OPPOSITION TO MOTION TO COMPEL (M1289478).pdf(320415 bytes ) [FILE UNDER SEAL] EXHIBIT B TO METZGER DECLARATION ISO APPLICANT'S REPLY TO OPPOSITION TO MOTION TO COMPEL (M1289483).pdf(12508 bytes ) EXHIBIT C TO METZGER DECLARATION ISO APPLICANT'S REPLY TO OPPOSITION TO MOTION TO COMPEL (M1289480).pdf(234572 bytes ) EXHIBIT D TO METZGER DECLARATION ISO APPLICANT'S REPLY TO OPPOSITION TO MOTION TO COMPEL (M1289481).pdf(866594 bytes )

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING TRANSMITTED ELECTRONICALLY TO THE COMMISSIONER FOR TRADEMARKS, [HTTP://EFILA.USPTO.GOV/FILING-TYPE.JSP](http://efila.uspto.gov/filing-type.jsp)

BY John F. Metzger  
DATE: 9/23/14

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

CATERPILLAR INC., :  
:   
Opposer, :   
:   
v. : Opposition No. 91213597  
:   
TIGERCAT INTERNATIONAL INC. :   
:   
Applicant. :

**DECLARATION OF JOHN F. METZGER IN SUPPORT OF  
OPPOSER'S MOTION FOR SUMMARY JUDGMENT**

1. I am a citizen of the United States, over 18 years old and a resident of Montgomery County in the Commonwealth of Pennsylvania.
2. I am employed as a paralegal with Eckert Seamans Cherin & Mellott, LLC in Philadelphia, Pennsylvania.
3. I have worked as a paralegal since October of 1994 and was employed at Ballard Spahr Andrews & Ingersoll, LLP in Philadelphia, Pennsylvania from September 1997 until February 2008 when I joined the firm of Eckert Seamans Cherin & Mellott, LLC.
4. My duties include general, internet and legal research, litigation support, document review and analysis, document organization and control, and electronic discovery support among others.
5. As part of my duties as a paralegal, I maintain the pleadings file in this opposition proceeding.

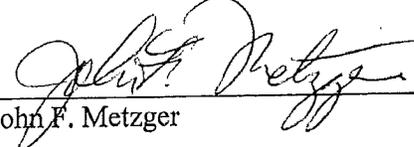
6. Attached as Exhibit A to this declaration is a true and correct copy of U.S. Reg. No. 2,275,249 for the mark TIGERCAT and the associated Trademark Assignment Abstract of Title as downloaded from the United States Patent and Trademark Office website at [www.uspto.gov](http://www.uspto.gov).

7. Attached as Exhibit B to this declaration (and filed under seal) are true and correct copies of documents produced by Applicant Tigercat as TTI 0568 through TTI 0576.

8. Attached as Exhibit C to this declaration is a true and correct copy of Opposer Caterpillar's Response to Applicant's First Set of Requests for Admission, Request No 7 dated July 28, 2014.

9. Attached as Exhibit D to this declaration are true and correct copies of documents produced by Applicant Tigercat as TTI 0577 through 0589.

I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
John F. Metzger

Executed on: September 23, 2014

**CERTIFICATE OF SERVICE**

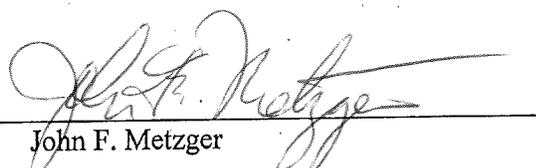
The undersigned hereby certifies that a true and correct copy of the attached Declaration of John F. Metzger in Support of Applicant's Reply to Opposer's Opposition to Applicant's Motion to Compel was served on counsel for the Applicant on the dated listed below via electronic and U.S. Mail:

Christopher P. Foley  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.  
901 New York Ave., N.W.  
Washington, DC 20001-4413

Laura K. Johnson  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.  
2 Seaport Boulevard  
Boston, MA 02210

Dated: September 23, 2014

By: \_\_\_\_\_



John F. Metzger

# **EXHIBIT A**

Generated on: This page was generated by TSDR on 2014-09-23 17:14:48 EDT

Mark: TIGERCAT

# Tigercat

US Serial Number: 75321474  
US Registration Number: 2275249  
Register: Principal  
Mark Type: Trademark  
Status: The registration has been renewed.  
Status Date: Apr. 11, 2009  
Publication Date: Jun. 15, 1999

Application Filing Date: Jul. 09, 1997  
Registration Date: Sep. 07, 1999

## Mark Information

Mark Literal Elements: TIGERCAT  
Standard Character Claim: No  
Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: specialized power-operated forestry equipment, namely, purpose built four wheel drive-to-tree and track type log bunchers, log loading machines, skidders and other forestry industry equipment, namely, bunching saws, bunching shears and component parts thereof

International Class(es): 007 - Primary Class

U.S Class(es): 013, 019, 021, 023, 031, 034, 035

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 01, 1992

Use in Commerce: Apr. 01, 1992

## Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: TIGERCAT INTERNATIONAL INC.  
Owner Address: P.O. Box 637  
54 Morton Avenue, East  
Brantford, Ontario N3T5P9  
CANADA  
Legal Entity Type: CORPORATION  
State or Country Where Organized: No Place Where Organized Found

## Attorney/Correspondence Information

Attorney Name: CANDACE LYNN BELL  
Attorney Primary Email Address: [cbell@kavinokycook.com](mailto:cbell@kavinokycook.com)  
Docket Number: 50785.51341  
Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: Candace Lynn Bell, Esq.  
Eckert Seamans Cherin & Mellott, LLC

50 South 16th Street  
Two Liberty Place, 22nd Floor  
Philadelphia, PENNSYLVANIA 19102  
UNITED STATES

Phone: 914-286-6431

Fax: 215-851-8383

Correspondent e-mail: [ipdocket@eckertseamans.com](mailto:ipdocket@eckertseamans.com) [cbell@eckertseamans.com](mailto:cbell@eckertseamans.com)  
[ans.com](mailto:ans.com) [lmcquinn@eckertseamans.com](mailto:lmcquinn@eckertseamans.com) [lla@eckertseamans.com](mailto:inoce</a><br/><a href=)

Correspondent e-mail Yes  
Authorized:

#### Domestic Representative

Domestic Representative Name: Candace Lynn Bell

Phone: (716) 845 - 6000

Fax: (716) 845 - 6474

Domestic Representative e-mail: [cbell@kavinokycook.com](mailto:cbell@kavinokycook.com)

Domestic Representative e-mail Authorized: Yes

## Prosecution History

Date	Description	Proceeding Number
Feb. 28, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 30, 2013	REVIEW OF CORRESPONDENCE COMPLETE - INFORMATION MADE OF RECORD	67603
Aug. 27, 2013	TEAS CHANGE OF DOMESTIC REPRESENTATIVES ADDRESS	
Dec. 30, 2011	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 20, 2011	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 20, 2011	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 11, 2009	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	67603
Apr. 11, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 07, 2009	ASSIGNED TO PARALEGAL	67603
Apr. 06, 2009	TEAS SECTION 8 & 9 RECEIVED	
Aug. 30, 2006	CASE FILE IN TICRS	
Dec. 13, 2004	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Nov. 05, 2004	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Nov. 05, 2004	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Nov. 05, 2004	TEAS SECTION 8 & 15 RECEIVED	
Sep. 07, 1999	REGISTERED-PRINCIPAL REGISTER	
Jun. 15, 1999	PUBLISHED FOR OPPOSITION	
May 14, 1999	NOTICE OF PUBLICATION	
Feb. 25, 1999	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 16, 1999	EXAMINER'S AMENDMENT MAILED	
Feb. 04, 1999	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Jan. 21, 1999	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 08, 1998	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Apr. 08, 1998	NON-FINAL ACTION MAILED	
Mar. 24, 1998	ASSIGNED TO EXAMINER	74664

## Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Sep. 07, 2009

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Apr. 11, 2009

## Assignment Abstract Of Title Information

### Summary

Total Assignments: 3

Registrant: Manufacturer's Holdings Inc.

### Assignment 1 of 3

Conveyance: SECURITY INTEREST

Reel/Frame: 2881/0597

Pages: 7

Date Recorded: Dec. 18, 2003

Supporting Documents: assignment-tm-2881-0597.pdf

#### Assignor

Name: MANUFACTURER'S HOLDINGS INC.

Execution Date: Jul. 15, 2003

Legal Entity Type: CORPORATION

State or Country Where Organized: CANADA

#### Assignee

Name: GMAC COMMERCIAL FINANCE CORPORATION

State or Country Where Organized: CANADA

Legal Entity Type: CORPORATION

Address: 150 YORK STREET, SUITE 1314  
TORONTO, ON, CANADA M5H 3S5

#### Correspondent

Correspondent Name: OGILVY RENAULT

Correspondent Address: 1981 MCGILL COLLEGE AVENUE  
SUITE 1600  
TORONTO, ON CA H3A 2Y3

Domestic Representative - Not Found

### Assignment 2 of 3

Conveyance: DISCHARGE OF SECURITY INTEREST

Reel/Frame: 3060/0518

Pages: 8

Date Recorded: Sep. 28, 2004

Supporting Documents: assignment-tm-3060-0518.pdf

#### Assignor

Name: GMAC COMMERCIAL FINANCE CORPORATION - CANADA

Execution Date: Sep. 13, 2004

Legal Entity Type: CANADIAN CORPORATION

State or Country Where Organized: No Place Where Organized Found

#### Assignee

Name: MANUFACTURER'S HOLDINGS INC.

State or Country Where Organized: CANADA

Legal Entity Type: CORPORATION

Address: 200 AVENUE ROAD  
CAMBRIDGE ONTARIO, CANADA N1R 8H5

#### Correspondent

Correspondent Name: MILLER THOMSON LLP

Correspondent Address: JEAN LEONARD  
700-22 FREDERICK ST.  
KITCHENER, ONTARIO N2G 4A2

Domestic Representative - Not Found

### Assignment 3 of 3

Conveyance: CHANGE OF NAME

Reel/Frame: 3142/0138

Pages: 3

Date Recorded: Aug. 17, 2005

Supporting Documents: assignment-tm-3142-0138.pdf

#### Assignor

Name: MANUFACTURER'S HOLDINGS INC.

Execution Date: Oct. 29, 2004

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

#### Assignee

Name: TIGERCAT INTERNATIONAL INC.

State or Country Where Organized: No Place Where Organized Found

Legal Entity Type: CORPORATION

Address: 1556 INDUSTRIAL DRIVE  
CAMBRIDGE, ONTARIO, CANADA N3H 4S6

**Correspondent**

**Correspondent Name:** CANDACE LYNN BELL  
**Correspondent Address:** 726 EXCHANGE STREET  
SUITE 800  
BUFFALO, NY 14210

**Domestic Representative**

**Domestic Representative Name:** CANDACE LYNN BELL  
**Domestic Representative Address:** 726 EXCHANGE STREET  
SUITE 800  
BUFFALO, NY 14210



Assignments on the Web > Trademark Query

**Trademark Assignment Abstract of Title**

**Total Assignments: 3**

Serial #: 75321474

Filing Dt: 07/09/1997

Reg #: 2275249

Reg. Dt: 09/07/1999

Registrant: Manufacturer's Holdings Inc.

Mark: TIGERCAT

**Assignment: 1**

Reel/Frame: 2881/0597

Recorded: 12/18/2003

Pages: 7

Conveyance: SECURITY INTEREST

Assignor: MANUFACTURER'S HOLDINGS INC.

Exec Dt: 07/15/2003

Entity Type: CORPORATION

Citizenship: CANADA

Entity Type: CORPORATION

Citizenship: CANADA

Assignee: GMAC COMMERCIAL FINANCE CORPORATION

150 YORK STREET, SUITE 1314  
TORONTO, ON, CANADA M5H 3S5

Correspondent: OGILVY RENAULT  
1981 MCGILL COLLEGE AVENUE  
SUITE 1600  
TORONTO, ON CA H3A 2Y3

**Assignment: 2**

Reel/Frame: 3060/0518

Recorded: 09/28/2004

Pages: 8

Conveyance: DISCHARGE OF SECURITY INTEREST

Assignor: GMAC COMMERCIAL FINANCE CORPORATION - CANADA

Exec Dt: 09/13/2004

Entity Type: CANADIAN CORPORATION

Citizenship: NONE

Entity Type: CORPORATION

Citizenship: CANADA

Assignee: MANUFACTURER'S HOLDINGS INC.

200 AVENUE ROAD  
CAMBRIDGE ONTARIO, CANADA N1R 8H5

Correspondent: MILLER THOMSON LLP  
JEAN LEONARD  
700-22 FREDERICK ST.  
KITCHENER, ONTARIO N2G 4A2

**Assignment: 3**

Reel/Frame: 3142/0138

Recorded: 08/17/2005

Pages: 3

Conveyance: CHANGE OF NAME

Assignor: MANUFACTURER'S HOLDINGS INC.

Exec Dt: 10/29/2004

Entity Type: CORPORATION

Citizenship: NONE

Entity Type: CORPORATION

Citizenship: NONE

Assignee: TIGERCAT INTERNATIONAL INC.

1556 INDUSTRIAL DRIVE  
CAMBRIDGE, ONTARIO, CANADA N3H 4S6

Correspondent: CANDACE LYNN BELL  
726 EXCHANGE STREET  
SUITE 800  
BUFFALO, NY 14210

Domestic rep: CANDACE LYNN BELL  
726 EXCHANGE STREET  
SUITE 800  
BUFFALO, NY 14210

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.4  
Search Results as of: 09/23/2014 05:15 PM  
Web interface last modified: Mar 15, 2014 v.2.4

[| .HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

# **EXHIBIT B**

**FILED UNDER SEAL**

# EXHIBIT C

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

<p>CATERPILLAR INC.,</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">v.</p> <p>TIGERCAT INTERNATIONAL, INC.,</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No. 91213597</p> <p>Application Serial No. 85/591,967 Mark: TIGERCAT Application date: April 8, 2012</p>
---	--

**OPPOSER'S RESPONSES TO APPLICANT'S  
FIRST SET OF REQUESTS FOR ADMISSION**

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, Opposer, Caterpillar Inc. ("Opposer" or "Caterpillar") hereby responds and objects to the First Set of Requests for Admission propounded by Applicant Tigercat International, Inc. ("Applicant" or "Tigercat") as follows:

**GENERAL OBJECTIONS**

Opposer incorporates by reference the General Objections made in Opposer's Objections and Responses to Applicant's First Set of Interrogatories and Opposer's Objections and Responses to Applicant's First Set of Requests for Production of Documents.

**REQUESTS FOR ADMISSION**

**REQUEST FOR ADMISSIONS NO. 1:**

Opposer uses no feline imagery in its advertising and promotion of Opposer's Marks.

**RESPONSE TO REQUEST FOR ADMISSIONS NO. 1:**

Opposer objects to this request to the extent it covers information that is irrelevant to this proceeding. Opposer further objects to this request as overly broad and unduly burdensome to

the extent that it seeks sales information outside the United States. Moreover, Opposer objects to the phrase “feline imagery” as vague, ambiguous, and indefinite because it has not been defined. Additionally, Opposer objects to this request to the extent that it is vague or indefinite regarding the time period of Opposer’s use. For the purposes of its response, Opposer construes “uses” to mean currently uses.

Subject to, and in view of, these objections, Opposer admits that the development of the CAT brand was not based on the use of feline imagery and that Caterpillar does not rely upon feline imagery in conjunction with the sale or offer for sale of Opposer’s Goods. Opposer further admits that Caterpillar is commonly referred to as “Big Cat” by third parties and in media references. Significantly, various media outlets have made widespread, unsolicited use of the “Big Cat” nickname to refer to Caterpillar and/or its products, from prominent print publications like the Washington Post, Los Angeles Times, and Chicago Tribune, to television and radio programs such as CNBC News. And because Caterpillar is regarded as a bellwether with respect to the economy, it is commonly referred to as “Big Cat” by the media and others in the financial world. A tiger is obviously a type of “Big Cat.”

**REQUEST FOR ADMISSIONS NO. 2:**

Opposer has not used any feline imagery in its advertising and promotion of Opposer's Marks since at least as early as 1990.

**RESPONSE TO REQUEST FOR ADMISSIONS NO. 2:**

Opposer objects to this request to the extent it covers information that is irrelevant to this proceeding. Opposer further objects to this request as overly broad and unduly burdensome to the extent that it seeks sales information outside the United States. Moreover, Opposer objects to the phrase “feline imagery” as vague, ambiguous, and indefinite because it has not been defined.

**REQUEST FOR ADMISSIONS NO. 6:**

Opposer has been aware of Applicant and Applicant's use of TIGERCAT since at least as early as 1991.

**RESPONSE TO REQUEST FOR ADMISSIONS NO. 6:**

Opposer objects to this request to the extent that it seeks information covered by the attorney-client privilege or the work-product doctrine. Opposer further objects to this request as overly broad and unduly burdensome to the extent that it seeks information about Opposer's awareness outside of the United States.

Subject to and in view of these objections, after making a reasonable inquiry, Opposer lacks sufficient information to either admit or deny this request and therefore denies it.

**REQUEST FOR ADMISSIONS NO. 7:**

Opposer has been aware of Applicant and Applicant's use of TIGERCAT since at least as early as 2000.

**RESPONSE TO REQUEST FOR ADMISSIONS NO. 7:**

Opposer objects to this request to the extent that it seeks information covered by the attorney-client privilege or the work-product doctrine. Opposer further objects to this request as overly broad and unduly burdensome to the extent that it seeks information about Opposer's awareness outside of the United States.

Subject to, and in view of, these objections, Opposer admits that it was aware of Applicant's use of the TIGERCAT mark in the forestry field at least as early as 2000. As Applicant knows, Opposer initiated this proceeding because of Applicant's apparent plans to expand its rights beyond the forestry field. Opposer first became aware of this plan through Applicant's filing of the application which is being opposed. Accordingly, Opposer became aware of Applicant's intent to register and use the TIGERCAT name as a trademark potentially

outside of the forestry field on or about January 17, 2013 as a result of a notice from a trademark watch service.

**REQUEST FOR ADMISSIONS NO. 8:**

Opposer has been aware of Applicant and Applicant's use of TIGERCAT since at least as early as 2001.

**RESPONSE TO REQUEST FOR ADMISSIONS NO. 8:**

Opposer objects to this request to the extent that it seeks information covered by the attorney-client privilege or the work-product doctrine. Opposer further objects to this request as overly broad and unduly burdensome to the extent that it seeks information about Opposer's awareness outside of the United States.

Subject to, and in view of, these objections, Opposer admits that it was aware of Applicant's use of the TIGERCAT mark in the forestry field at least as early as 2001. As Applicant knows, Opposer initiated this proceeding because of Applicant's apparent plans to expand its rights beyond the forestry field. Opposer first became aware of this plan through Applicant's filing of the application which is being opposed. Accordingly, Opposer became aware of Applicant's intent to register and use the TIGERCAT name as a trademark potentially outside of the forestry field on or about January 17, 2013 as a result of a notice from a trademark watch service.

**REQUEST FOR ADMISSIONS NO. 9:**

Opposer has attended trade shows attended by Applicant since at least as early as 2000.

**RESPONSE TO REQUEST FOR ADMISSIONS NO. 9:**

Opposer objects to this request as overly broad and unduly burdensome to the extent that it seeks information about Opposer's attendance at trade shows outside of the United States.

**RESPONSE TO REQUEST FOR ADMISSIONS NO. 55:**

Opposer objects to this request as duplicative of Response to Request for Admissions No. 52 and reincorporates its response to that request.

**REQUEST FOR ADMISSIONS NO. 56:**

ECS Holdings, Inc. sells diesel particulate filters for use in engine emissions control for heavy duty highway vehicles or equipment under the mark CATTRAP.

**RESPONSE TO REQUEST FOR ADMISSIONS NO. 56:**

Opposer objects to this request as duplicative of Response to Request for Admissions No. 53 and reincorporates its response to that request.

Dated: July 28, 2014

Respectfully submitted,

/Christopher P. Foley/

Christopher P. Foley  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.  
901 New York Ave., N.W.  
Washington, D.C. 20001-4413  
Telephone: 202-408-4000  
Facsimile: 202-408-4400

Laura K. Johnson  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.  
2 Seaport Boulevard  
Boston, MA 02210  
Telephone: 617-646-1600  
Facsimile: 617-646-1666

Attorneys for Opposer  
Caterpillar Inc.

**CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing OPPOSER'S RESPONSES TO APPLICANT'S FIRST SET OF REQUESTS FOR ADMISSION was served via electronic mail and FedEx, upon counsel for Applicant, on July 28, 2014:

Candace Lynn Bell  
Eckert Seamans Cherin & Mellott, LLC  
Two Liberty Place  
50 S. 16th Street  
Philadelphia, PA 19102

[cbell@eckertseamans.com](mailto:cbell@eckertseamans.com),  
[rjacobsmeadway@eckertseamans.com](mailto:rjacobsmeadway@eckertseamans.com),  
[lscollon@eckertseamans.com](mailto:lscollon@eckertseamans.com)

/Jenny Macioge Reilly/  
Case Manager

# **EXHIBIT D**



## Forestry Equipment

[Download the latest product line brochure](#)

### Drive-to-Tree Feller Bunchers



718E



720E



724E



726E

### Track Feller Bunchers



822C



L830C



LX830C



845C



L845C



860C



870C



L870C

### Skidders



604C



610C



615C



620D



630D



635D

### Material Handling



220D



234



T234



250B



T250B



250C



T250C



LS855C



875



880

### Track Harvesters



H250B



H822C



LH830C



H845C



LH845C



H855C



LH855C

### Wheel Harvesters



### Forwarders



### Felling Heads



### Harvesting Heads



### Scarifiers



[Download the product line brochure](#)

[Home](#) | [Logos](#) | [Forestry Policy](#) | [Ask an Expert](#) | [Mobile Contact](#)



**Tigercat**  
Tough • Reliable • Productive

ABOUT | SUPPORT | CONTACT | SHOP

English

HOME FORESTRY OFF ROAD INDUSTRIAL MEDIA SAFETY DEALER LOCATOR PRE-OWNED BETWEEN THE BRANCHES

## Off Road Industrial Equipment

The off-road industrial engineering division capitalizes on Tigercat's unique abilities and experience. For over two decades Tigercat has designed and built forestry equipment with increasingly complex hydraulic and electronic systems that are able to survive some of the harshest operating environments on the planet. Tigercat productivity, efficiency and uptime levels lead the industry.

Tigercat's strict focus on engineering and research and development has also spawned significant innovations in the forestry industry such as high capacity bunching heads, ER boom technology and the Turnaround cab.

Tigercat's off-road industrial engineering division seeks to develop machines required for highly specialized off-road industrial applications.

Tigercat off-road industrial products currently focus on two key areas, vegetation management equipment and off-road carriers. Industries served include the utilities sector and oil and gas producers and exploration companies.

If your current equipment is falling short of expectations whether in performance, uptime, reliability or efficiency, contact Tigercat today to discuss your specialized off-road equipment requirements.

 **Ask an Expert**  
we have the answers

 **Tigercat TV**  
watch our models in action

 **News Centre**  
keep up with industry news

 **Shows & Events**  
come and visit us

Mulchers

Sprayers

Aerial Devices

Home | Privacy Policy | Ask an Expert | Dealer Locator



**Ask an Expert**  
we have the answers

**Tigercat TV**  
watch our models in action

**News Centre**  
keep up with industry news

**Shows & Events**  
come and visit us

### AD610C Aerial Device Carrier Overview

The new AD610C is an off-road machine designed to carry an aerial device for utility applications. The AD610C is based on a standard 610C skidder, an extreme duty cycle forestry machine.

AD610C applications include tree trimming, line clearing and aerial work around energized conductors.

The carrier can easily be adapted to accommodate a wide variety of aerial devices, digger/derricks, material handlers or other types of truck-mounted equipment to provide a powerful off-road delivery vehicle for tough-to-access work areas.

### Aerial Devices

[AD610C - Print Quality](#)

[AD610C - Web Quality](#)

### Key Benefits

- Well suited to tough terrain and able to be road driven
- Ergonomic, joystick steering
- 15,875 kg (35,000 lb) recovery winch
- Axle oscillation lock for stability when operating the aerial device
- Integrated safety interlocks
- Refined, efficient load sensing hydraulic system
- Turnaround™ equipped.
- Built in tool storage compartments
- Automatic variable pitch, reversing fan saves fuel and keeps the heat exchangers cleaner
- Aerial devices up to 70 ft



Click to view full image

 **Ask an Expert**  
we have the answers

 **Tigercat TV**  
watch our models in action

 **News Centre**  
keep up with industry news

 **Shows & Events**  
come and visit us

### Mulchers

Tigercat wheel and track driven mulchers are designed to withstand extreme duty cycles and challenging operating environments, while maintaining high machine availability rates -- all important in time-sensitive right-of-way (ROW) and commercial and industrial land clearing projects. Tigercat mulcher carriers range in capacity from 173 -500 hp. All Tigercat mulcher carriers benefit from heavy duty steel construction, high capacity cooling systems, efficient hydraulic circuits and comfortable operating environments,

### Mulchers

- M726E
- 480
- M718E
- 470



The header features the Tigercat logo with the tagline "Tough • Reliable • Productive". Navigation links include ABOUT | SUPPORT | CONTACT | SHOP, and a language selector set to "English". A main menu lists: HOME, FORESTRY, OFF ROAD INDUSTRIAL, MEDIA, SAFETY, DEALER LOCATOR, PRE-OWNED, and BETWEEN THE BRANCHES. A large image of a yellow Tigercat S610C sprayer is shown in a forest setting. Below the image is a "Click image to download" link. To the right of the image are four orange buttons: "Ask an Expert" (we have the answers), "Tigercat TV" (watch our models in action), "News Centre" (keep up with industry news), and "Shows & Events" (come and visit us).

### S610C Spreader/Sprayer Overview

The S610C is designed for broadcasting herbicides and fertilizers in juvenile tree plantations and other challenging off road applications.

The S610C can be easily equipped with a fertilizer hopper and broadcaster or a herbicide tank with sprayers.

Based on the 610C platform, the S610C sprayer can handle tough terrain, temperature extremes and high volumes of airborne debris.

### Sprayers

S610C

S630D

### Key Benefits

- Well suited to tough terrain
- Pressure compensated broadcaster hydraulics allows the feed rate to automatically adjust to changes in travel speed, resulting in consistent coverage
- Automatic variable pitch, reversing fan saves fuel and keeps the heat exchangers cleaner
- Load sensing hydraulic system reduces fuel consumption
- Narrow fixed front axle with centre joint oscillation allows extremely narrow overall width for traveling between rows in juvenile plantations
- Additional air intake screens further prevent debris build-up

The footer contains links for Legal, Privacy Policy, Ask an Expert, and Dealer Locator. It also features social media icons for Facebook and LinkedIn, and a small upward-pointing arrow icon.



Search...

Postal Code: Show results within 25 Kilometres

Keyword:

State: Please Select..

Country: USA

Submit

Found 65 locations that matched your search.

A.G. LASSITER EQUIPMENT CORP

PO BOX 1027  
(POSTAL ADDRESS)  
WASHINGTON, NC  
27889 USA  
252-946-6461

ALLWOOD EQUIPMENT LLC

218 EDISON ROAD  
PO BOX 756  
WASHINGTON, GA  
30673 USA  
706-678-6880  
<http://www.allwoodequipment.com>

B & G EQUIP OF MAGNOLIA INC

1700 INDUSTRIAL PARK RD  
MAGNOLIA, MS  
39652 USA  
601-783-6701  
<http://bandgequip.com/>

B & G EQUIPMENT INC

2256 HWY 25  
IUKA, MS  
38852 USA  
662-423-6011  
<http://bandgequip.com/>

B & G EQUIPMENT INC

10430 ROAD 383  
PHILADELPHIA, MS  
39350-4007 USA  
601-656-7011  
<http://bandgequip.com/>

B & G EQUIPMENT INC

472 TUCKER RD  
(SHIPPING ADDRESS)  
HATTIESBURG, MS  
39401-0316 USA  
601-582-7011  
<http://bandgequip.com/>

BOBCAT CENTRAL, INC.

3516 NEWTON ROAD  
STOCKTON, CA  
95205 USA  
(209) 762-6414  
<http://www.bigvalleytractor.com/>

BULLOCK BROS. EQUIPMENT

284 MAIN STREET  
NO MAIL DELIVERY (UPS ONLY)  
DILLWYN, VA  
23936 USA  
434-983-4880

<http://www.bullockbrothers.com>  
**BULLOCK BROTHERS EQUIPMENT**

6240 NC HWY 46  
GARYSBURG, NC  
27831 USA  
252-410-5202  
<http://www.bullockbrothers.com>

**BULLOCK BROTHERS EQUIPMENT**

1323 W MARKET ST  
SMITHFIELD, NC  
27577 USA  
919-934-1174  
<http://www.bullockbrothers.com>

**C J LOGGING EQUIPMENT**

8730 INDUSTRIAL DR  
PO BOX 661  
BOONVILLE, NY  
13309-0661 USA  
315-942-5431  
<http://www.cjlogequip.com>

**C J LOGGING EQUIPMENT INC.**

5445 NYS ROUTE 353  
LITTLE VALLEY, NY  
14755 USA  
716-938-9175  
<http://www.cjlogequip.com>

**C J LOGGING EQUIPMENT INC.**

17153 US ROUTE 15  
ALLENWOOD, PA  
17810 USA  
570-538-5859  
<http://www.cjlogequip.com>

**CENTRAL OPERATIONS - TIDEWATER**

CENTRAL ACCOUNTING  
PO BOX 1775  
BRUNSWICK, GA  
31521 USA  
912-264-9280  
<http://www.tidewaterequip.com>

**Forest Pro Inc**

11440 Air Park Road  
Ashland, VA  
23055 USA  
804-337-2942

**FOREST PRO, INC**

6473 WEST RIVER ROAD  
SCOTTSVILLE, VA  
24590 USA  
434-286-4157

**FORESTRY 21 LLC**

11277 COUNTY RD 83  
PO BOX 142  
LAFAYETTE, AL  
36862-0142 USA  
334-864-7250  
<http://www.forestry21.com>

**FORESTRY 21 LLC**

1310 ALABAMA HIGHWAY 9 S  
PIEDMONT, AL  
36272 USA  
256-447-2150  
<http://www.forestry21.com>

**FORESTRY 21 LLC**

1739 NEW FRANKLIN ROAD  
LAGRANGE, GA  
30240 USA

9/23/2014

Search Tigercat Dealers | Tigercat

706-882-7250  
<http://www.forestry21.com>

**FRANK MARTIN SONS INC**

316 MARKET ST  
PO BOX 10  
FORT KENT MILLS, ME  
4744 USA  
207-834-3171  
<http://www.f-m-s.com>

**FRANK MARTIN SONS INC**

491 LAKEWOOD ROAD  
MADISON, ME  
4950 USA  
207-858-4748  
<http://www.f-m-s.com>

**G & S EQUIPMENT COMPANY INC.**

10355 HWY 5  
BRENT, AL  
35034 USA  
205-340-5043

**G & S EQUIPMENT COMPANY INC.**

124 HWY 82 BYP W  
PO BOX 680730  
PRATTVILLE, AL  
36067-4500 USA  
334-365-5192

**MIDSOUTH FORESTRY EQUIPMENT**

118 US 278 BYPASS  
WARREN, AR  
71671 USA  
870-226-0000

**MIDSOUTH FORESTRY EQUIPMENT**

185 VALLEY STREET  
CADDO VALLEY, AR  
71923 USA  
870-210-5253

**PATRICK MILLER TRACTOR CO**

1095 SHREVEPORT HWY  
PO BOX 120  
MANY, LA  
71449-0120 USA  
318-256-5686  
<http://www.pmltractor.com>

**RICER EQUIPMENT INC.**

49 GOOD MANOR ROAD  
LUCASVILLE, OH  
45648 USA  
740-289-4318  
<http://www.ricerequipment.com>

**RICER EQUIPMENT INC.**

RR 2  
BOX 849A1  
SHINNSTON, WV  
26431 USA  
304-592-1100  
<http://www.ricerequipment.com>

**ROLLISON EQUIP CO INC.**

2038 US 51 NORTH  
BARDWELL, KY  
42023 USA  
270-628-5427

**SKYLINE RECLAMATION INC**

RR#1 GRAVEL PIT ROAD

9/23/2014

Search Tigercat Dealers | Tigercat

BOX 294  
FAIRVIEW, UT  
84629-9510 USA  
435-462-9514  
<http://www.skylinereclamation.com/>

**SMITH & TURNER EQUIPMENT CO**

1905 ATHENS ST.  
GAINESVILLE, GA  
30507 USA  
770-536-7521  
<http://www.smilhtumer.com/>

**SMITH EQUIPMENT LLC**

1203 SW LINCOLN RD  
P.O. BOX 89  
DABEL, OK  
74745 USA  
580-286-3339

**STREET INDUSTRIES LLC**

75 COMMERCIAL ST  
PLAINVIEW, NY  
11803-2401 USA  
516-349-8200

**TEJAS EQUIPMENT**

HWY 69 S @ FM 1013  
HILLISTER, TX  
77624-0330 USA  
409-331-0111  
<http://www.tejasequipmentinc.com>

**TEJAS EQUIPMENT**

2610 S MEDFORD DRIVE  
LUFKIN, TX  
75801-6162 USA  
936-639-1009  
<http://www.tejasequipmentinc.com>

**TIDEWATER COMPANIES INC - EX OFF**

104 FOLLINS LANE  
PO BOX 1116 BRUNSWICK GA 31521  
ST. SIMONS ISLAND, GA  
31522 USA  
912-638-7726  
<http://www.tidewaterequip.com>

**TIDEWATER EQUIPMENT CO**

2350 JOE DAVIS IND. BLVD.  
THOMASVILLE, AL  
36784 USA  
334 637 0939  
<http://www.tidewaterequip.com>

**TIDEWATER EQUIPMENT CO**

919 CHIP MILL RD  
MAXVILLE, FL  
32234 USA  
904-289-0807  
<http://www.tidewaterequip.com>

**TIDEWATER EQUIPMENT CO**

921 CAIRO RD  
PO BOX 819  
THOMASVILLE, GA  
31799 USA  
229-228-4948  
<http://www.tidewaterequip.com>

**TIDEWATER EQUIPMENT CO**

995 UVALDA HWY  
PO BOX 1029  
HAZLEHURST, GA  
31539 USA  
912-375-3317  
<http://www.tidewaterequip.com>

**TIDEWATER EQUIPMENT CO**

P.O. BOX 1775  
7303 BLYTHE ISLAND PKWY  
BRUNSWICK, GA  
31523 USA  
912-265-8760  
<http://www.tidewaterequip.com>

**TIDEWATER EQUIPMENT CO**

278 INDUSTRIAL PARK RD  
FORSYTH, GA  
31029 USA  
478-984-5300  
<http://www.tidewaterequip.com>

**TIDEWATER EQUIPMENT CO**

HWY 74 W  
PO BOX 130  
POLKTON, NC  
28135 USA  
704-272-7685  
<http://www.tidewaterequip.com>

**TIDEWATER EQUIPMENT CO**

1118 PITCH LANDING RD  
PO BOX 709  
CONWAY, SC  
29526 USA  
843-397-9400  
<http://www.tidewaterequip.com>

**TIDEWATER EQUIPMENT CO**

11328 SC HWY 34  
PO BOX 877  
NEWBERRY, SC  
29108-0877 USA  
803-276-8030  
<http://www.tidewaterequip.com>

**TIDEWATER EQUIPMENT CO**

4340 JEFFERIES HWY  
WALTERBORO, SC  
29488 USA  
843-538-3122  
<http://www.tidewaterequip.com>

**TIDEWATER EQUIPMENT CO (COTTON)**

704 WEST FRONT STREET  
PO BOX 525  
EVERGREEN, AL  
36401-0525 USA  
251-578-1812  
<http://www.tidewaterequip.com>

**TIDEWATER EQUIPMENT CO.**

1620 REYNOLDS STREET  
WAYCROSS, GA  
31503 USA  
912-282-9284  
<http://www.tidewaterequip.com>

**TIGERCAT PARTS DISTRIBUTION CENTRE**

1001 GA-29  
AILEY, GA  
30410 USA  
912-538-0933  
<http://www.tigercat.com/>

**TITAN EQUIPMENT**

7250 GREENRIDGE ROAD  
WINDSOR, CO  
80550 USA  
970-461-4960  
<http://www.titanmachinery.com>

**TITAN MACHINERY**

3930 S. US HIGHWAY 85 87  
COLORADO SPRINGS, CO  
80911 USA

719-593-2924  
<http://www.titanmachinery.com>

**TITAN MACHINERY**

5750 FAIRFAX STREET  
COMMERCE CITY, CO  
80022 USA  
303-286-7000  
<http://www.titanmachinery.com>

**TITAN MACHINERY**

4311 HAINES RD  
HERMANTOWN, MN  
55811 USA  
218-727-3038  
<http://www.titanmachinery.com>

**TITAN MACHINERY**

14375 JAMES ROAD  
ROGERS, MN  
55374 USA  
763-428-5089  
<http://www.titanmachinery.com>

**TITAN MACHINERY**

7580 HWY 10 WEST  
MISSOULA, MT  
59808 USA  
406-543-7782  
<http://www.titanmachinery.com>

**TITAN MACHINERY**

80 SHIRE TRAIL  
BOZEMAN, MT  
59718 USA  
406-587-0728  
<http://www.titanmachinery.com>

**TITAN MACHINERY**

644 EAST BEATON DRIVE  
FARGO, ND  
58104 USA  
701-356-0130  
<http://www.titanmachinery.com>

**TITAN MACHINERY**

1741 DEADWOOD AVENUE  
RAPID CITY, SD  
57702 USA  
605-388-0266  
<http://www.titanmachinery.com>

**TITAN MACHINERY**

N 1626 WUENSCH RD  
LACROSS, WI  
54601-2643 USA  
608-788-1025  
<http://www.titanmachinery.com>

**TITAN MACHINERY**

1100 WEST COYOTE AVENUE  
CASPER, WY  
82601 USA  
307-234-5381  
<http://www.titanmachinery.com>

**TRIAD MACHINERY INC.**

4530 N.E. 148TH AVENUE  
PORTLAND, OR  
97230-4311 USA  
503-254-5100  
<http://www.triadmachinery.com>

**TRIAD MACHINERY INC.**

4440 SOUTHWEST AIRPORT ROAD

9/23/2014

Search Tigercat Dealers | Tigercat

PRINEVILLE, OR  
97754-9380 USA  
541-447-5293  
<http://www.triadmachinery.com>

**TRIAD MACHINERY INC.**

91251 COBURG IND. WAY  
COBURG (EUGENE), OR  
97408-9469 USA  
541-342-7700  
<http://www.triadmachinery.com>

**TRIAD MACHINERY INC.**

1601 E BAY STREET  
TACOMA, WA  
98032 USA  
253-722-5560  
<http://www.triadmachinery.com>

**TRIAD MACHINERY INC.**

EAST 3211 TRENT AVENUE  
SPOKANE, WA  
99202-4410 USA  
509-534-1900  
<http://www.triadmachinery.com>

Display #. All ▼ |

[Legal](#) [Privacy Policy](#) [Ask an Expert](#) [Mobile Locator](#)

