

ESTTA Tracking number: **ESTTA678476**

Filing date: **06/16/2015**

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, afleisher@eckertseamans.com
Signature	/Candace Lynn Bell/
Date	06/16/2015
Attachments	DECLARATION OF KATHY BILLINGS ISO MOTION TO QUASH (M1383799).pdf(98570 bytes ) EXHIBIT A TO BILLINGS DECLARATION ISO MOTION TO QUASH (M1383800).pdf(113815 bytes ) EXHIBIT B TO BILLINGS DECLARATION ISO MOTION TO QUASH (M1383802).pdf(112687 bytes ) EXHIBIT C TO BILLINGS DECLARATION ISO MOTION TO QUASH (M1383803).pdf(99104 bytes ) EXHIBIT D TO BILLINGS DECLARATION ISO MOTION TO QUASH (M1383804).pdf(13669 bytes )

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 KATHY BILLINGS**  
**IN SUPPORT OF APPLICANT'S MOTION TO QUASH OPPOSER'S**  
**30(B)(6) NOTICE OF DEPOSITION OF TIGERCAT INTERNATIONAL INC.**

Kathy Billings declares:

1. I am a citizen of Canada and a resident of the Province of Ontario, and I am over the age of eighteen (18).
2. I am the Vice President of Tigercat International Inc., applicant in the above-captioned proceeding. As part of my duties, I maintain the corporate minute books for Tigercat International Inc., Tigercat Industries Inc., and Tigercat Industries Corp., and maintain the personnel files for Tigercat International Inc., and Tigercat Industries Inc.
3. Tigercat International Inc. is a corporation formed and organized under the laws of Ontario, Canada with a registered office in Cambridge, Ontario, Canada. Attached hereto as Exhibit A is a true and correct copy of the Corporation Profile Report from the Province of Ontario's corporate registrar for Tigercat International Inc.
4. Tigercat Industries Inc. is a wholly owned subsidiary of Tigercat International Inc.
5. Tigercat Industries Inc. is a corporation formed and organized under the laws of Ontario, Canada with a registered office in Brantford, Ontario, Canada. Attached hereto as Exhibit B is a true and correct copy of the Corporation Profile Report from the Province of Ontario's corporate registrar for Tigercat Industries Inc.
6. Tigercat Industries Corp. is a wholly owned subsidiary of Tigercat Industries Inc.

7. Tigercat Industries Corp. is a corporation formed and organized under the laws of Delaware. Attached hereto as Exhibit C is a true and correct copy of the Certificate of Good Standing for Tigercat Industries Corp.

8. Tigercat International Inc. has no corporate presence in the United States.

9. Tigercat International Inc.'s officers, director, and employees are all citizens of Canada and residents of the Province of Ontario, Canada and none reside in the United States.

10. I have reviewed the list of persons Tigercat International Inc. designates as 30(b)(6) witnesses, attached hereto as Exhibit D. No one listed is an officer, director, or employee of Tigercat International Inc.

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 date listed below at 200 Avenue Road, Cambridge, Ontario, Canada N1R 8H5.

Date: June 15 2015

By: Kathy Billings  
Kathy Billings

**CERTIFICATE OF SERVICE**

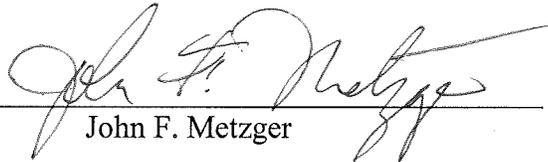
The undersigned hereby certifies that a true and correct copy of the attached Declaration of Suzanne Cline and Declaration of Kathy Billings were served on counsel for Opposer on the date listed below via electronic mail and courtesy copy by U.S. Mail:

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: June 16, 2015

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



John F. Metzger

# **EXHIBIT A**

Request ID: 017701535  
Transaction ID: 57826158  
Category ID: UN/E

Province of Ontario  
Ministry of Government Services

Date Report Produced: 2015/06/05  
Time Report Produced: 13:11:20  
Page: 1

## CORPORATION PROFILE REPORT

<b>Ontario Corp Number</b>	<b>Corporation Name</b>	<b>Amalgamation Date</b>
1879697	TIGERCAT INTERNATIONAL INC.	2012/12/01
		<b>Jurisdiction</b>
		ONTARIO
<b>Corporation Type</b>	<b>Corporation Status</b>	<b>Former Jurisdiction</b>
ONTARIO BUSINESS CORP.	ACTIVE	NOT APPLICABLE
<b>Registered Office Address</b>		<b>Date Amalgamated</b>
200 AVENUE ROAD		NOT APPLICABLE
		<b>Amalgamation Ind.</b>
		A
		<b>New Amal. Number</b>
		NOT APPLICABLE
		<b>Notice Date</b>
		NOT APPLICABLE
		<b>Letter Date</b>
		NOT APPLICABLE
<b>Mailing Address</b>		<b>Revival Date</b>
200 AVENUE ROAD		NOT APPLICABLE
		<b>Continuation Date</b>
		NOT APPLICABLE
		<b>Transferred Out Date</b>
		NOT APPLICABLE
		<b>Cancel/Inactive Date</b>
		NOT APPLICABLE
		<b>EP Licence Eff.Date</b>
		NOT APPLICABLE
		<b>EP Licence Term.Date</b>
		NOT APPLICABLE
	<b>Number of Directors</b>	<b>Date Commenced</b>
	<b>Minimum</b>	<b>in Ontario</b>
	<b>Maximum</b>	
	00001	NOT APPLICABLE
	00005	
<b>Activity Classification</b>		<b>Date Ceased</b>
NOT AVAILABLE		<b>in Ontario</b>
		NOT APPLICABLE

Request ID: 017701535  
Transaction ID: 57826158  
Category ID: UN/E

Province of Ontario  
Ministry of Government Services

Date Report Produced: 2015/06/05  
Time Report Produced: 13:11:20  
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## CORPORATION PROFILE REPORT

### Ontario Corp Number

### Corporation Name

1879697

TIGERCAT INTERNATIONAL INC.

### Corporate Name History

### Effective Date

TIGERCAT INTERNATIONAL INC.

2012/12/01

### Current Business Name(s) Exist:

NO

### Expired Business Name(s) Exist:

NO

### Amalgamating Corporations

#### Corporation Name

#### Corporate Number

TIGERCAT INTERNATIONAL INC.

1684834

2183749 ONTARIO INC.

2183749

Request ID: 017701535  
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Category ID: UN/E

Province of Ontario  
Ministry of Government Services

Date Report Produced: 2015/06/05  
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## CORPORATION PROFILE REPORT

**Ontario Corp Number**

1879697

**Corporation Name**

TIGERCAT INTERNATIONAL INC.

**Administrator:  
Name (Individual / Corporation)**

KATHY  
F.  
BILLINGS

**Address**

200 AVENUE ROAD  
  
CAMBRIDGE  
ONTARIO  
CANADA N1R 8H5

**Date Began**

2012/12/01

**First Director**

NOT APPLICABLE

**Designation**

OFFICER

**Officer Type**

VICE-PRESIDENT

**Resident Canadian**

**Administrator:  
Name (Individual / Corporation)**

KENNETH  
J.  
MACDONALD

**Address**

200 AVENUE ROAD  
  
CAMBRIDGE  
ONTARIO  
CANADA N1R 8H5

**Date Began**

2012/12/01

**First Director**

NOT APPLICABLE

**Designation**

DIRECTOR

**Officer Type**

**Resident Canadian**

Y

Request ID: 017701535  
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Category ID: UN/E

Province of Ontario  
Ministry of Government Services

Date Report Produced: 2015/06/05  
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## CORPORATION PROFILE REPORT

**Ontario Corp Number**

**Corporation Name**

1879697

TIGERCAT INTERNATIONAL INC.

**Administrator:  
Name (Individual / Corporation)**

**Address**

KENNETH  
J.  
MACDONALD

200 AVENUE ROAD  
  
CAMBRIDGE  
ONTARIO  
CANADA N1R 8H5

**Date Began**

**First Director**

2012/12/01

NOT APPLICABLE

**Designation**

**Officer Type**

**Resident Canadian**

OFFICER

PRESIDENT

Y

**Administrator:  
Name (Individual / Corporation)**

**Address**

KENNETH  
J.  
MACDONALD

200 AVENUE ROAD  
  
CAMBRIDGE  
ONTARIO  
CANADA N1R 8H5

**Date Began**

**First Director**

2012/12/01

NOT APPLICABLE

**Designation**

**Officer Type**

**Resident Canadian**

OFFICER

SECRETARY

Y

Request ID: 017701535  
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Ministry of Government Services

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## CORPORATION PROFILE REPORT

**Ontario Corp Number**

**Corporation Name**

1879697

TIGERCAT INTERNATIONAL INC.

**Administrator:  
Name (Individual / Corporation)**

**Address**

KENNETH  
J.  
MACDONALD

200 AVENUE ROAD

CAMBRIDGE  
ONTARIO  
CANADA N1R 8H5

**Date Began**

**First Director**

2012/12/01

NOT APPLICABLE

**Designation**

**Officer Type**

**Resident Canadian**

OFFICER

TREASURER

Y

Request ID: 017701535  
Transaction ID: 57826158  
Category ID: UN/E

Province of Ontario  
Ministry of Government Services

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## CORPORATION PROFILE REPORT

Ontario Corp Number

Corporation Name

1879697

TIGERCAT INTERNATIONAL INC.

Last Document Recorded

Act/Code Description

Form

Date

CIA	ANNUAL RETURN 2013	1C	2014/10/01 (ELECTRONIC FILING)
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THIS REPORT SETS OUT THE MOST RECENT INFORMATION FILED BY THE CORPORATION ON OR AFTER JUNE 27, 1992, AND RECORDED IN THE ONTARIO BUSINESS INFORMATION SYSTEM AS AT THE DATE AND TIME OF PRINTING. ALL PERSONS WHO ARE RECORDED AS CURRENT DIRECTORS OR OFFICERS ARE INCLUDED IN THE LIST OF ADMINISTRATORS.

ADDITIONAL HISTORICAL INFORMATION MAY EXIST ON MICROFICHE.

The issuance of this report in electronic form is authorized by the Director of Companies and Personal Property Security Branch.

# **EXHIBIT B**

Request ID: 017703040  
Transaction ID: 57830412  
Category ID: UN/E

Province of Ontario  
Ministry of Government Services

Date Report Produced: 2015/06/05  
Time Report Produced: 16:19:03  
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## CORPORATION PROFILE REPORT

<b>Ontario Corp Number</b>	<b>Corporation Name</b>	<b>Amalgamation Date</b>
1589824	TIGERCAT INDUSTRIES INC.	2003/12/01
		<b>Jurisdiction</b>
		ONTARIO
<b>Corporation Type</b>	<b>Corporation Status</b>	<b>Former Jurisdiction</b>
ONTARIO BUSINESS CORP.	ACTIVE	NOT APPLICABLE
<b>Registered Office Address</b>		<b>Date Amalgamated</b>
54 MORTON AVE EAST		NOT APPLICABLE
		<b>Amalgamation Ind.</b>
		A
		<b>New Amal. Number</b>
BRANTFORD		NOT APPLICABLE
ONTARIO		NOT APPLICABLE
CANADA N3R 7J7		<b>Notice Date</b>
		NOT APPLICABLE
		<b>Letter Date</b>
<b>Mailing Address</b>		NOT APPLICABLE
54 MORTON AVE EAST		<b>Revival Date</b>
		NOT APPLICABLE
		<b>Continuation Date</b>
		NOT APPLICABLE
BRANTFORD		<b>Transferred Out Date</b>
ONTARIO		NOT APPLICABLE
CANADA N3R 7J7		<b>Cancel/Inactive Date</b>
		NOT APPLICABLE
		<b>EP Licence Eff.Date</b>
		NOT APPLICABLE
		<b>EP Licence Term.Date</b>
		NOT APPLICABLE
	<b>Number of Directors</b>	<b>Date Commenced</b>
	<b>Minimum</b>	<b>in Ontario</b>
	<b>Maximum</b>	<b>Date Ceased</b>
		<b>in Ontario</b>
<b>Activity Classification</b>	00001 00005	NOT APPLICABLE
NOT AVAILABLE		NOT APPLICABLE

Request ID: 017703040  
Transaction ID: 57830412  
Category ID: UN/E

Province of Ontario  
Ministry of Government Services

Date Report Produced: 2015/06/05  
Time Report Produced: 16:19:03  
Page: 2

## CORPORATION PROFILE REPORT

**Ontario Corp Number**

**Corporation Name**

1589824

TIGERCAT INDUSTRIES INC.

**Corporate Name History**

**Effective Date**

TIGERCAT INDUSTRIES INC.

2003/12/01

**Current Business Name(s) Exist:**

NO

**Expired Business Name(s) Exist:**

NO

**Amalgamating Corporations**

**Corporation Name**

**Corporate Number**

TIGERCAT INDUSTRIES INC.

966197

MANUFACTURERS METALFAB INC.

1143077

Request ID: 017703040  
Transaction ID: 57830412  
Category ID: UN/E

Province of Ontario  
Ministry of Government Services

Date Report Produced: 2015/06/05  
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## CORPORATION PROFILE REPORT

**Ontario Corp Number**

**Corporation Name**

1589824

TIGERCAT INDUSTRIES INC.

**Administrator:  
Name (Individual / Corporation)**

**Address**

SUZANNE  
CLINE

31 STONEMAN COURT  
  
CAMBRIDGE  
ONTARIO  
CANADA N1P 1C9

**Date Began**

**First Director**

2003/12/01

NOT APPLICABLE

**Designation**

**Officer Type**

**Resident Canadian**

OFFICER

VICE-PRESIDENT

**Administrator:  
Name (Individual / Corporation)**

**Address**

ANTHONY  
IAROCCI

408 GOLF ROAD  
  
BRANTFORD  
ONTARIO  
CANADA N3T 5L8

**Date Began**

**First Director**

2003/12/01

NOT APPLICABLE

**Designation**

**Officer Type**

**Resident Canadian**

OFFICER

PRESIDENT

Y

Request ID: 017703040  
Transaction ID: 57830412  
Category ID: UN/E

Province of Ontario  
Ministry of Government Services

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## CORPORATION PROFILE REPORT

**Ontario Corp Number**

**Corporation Name**

1589824

TIGERCAT INDUSTRIES INC.

**Administrator:  
Name (Individual / Corporation)**

**Address**

MARTIN  
JENNINGS

1869 EARLWOOD DRIVE  
  
CAMBRIDGE  
ONTARIO  
CANADA N3H 5A4

**Date Began**

**First Director**

2003/12/01

NOT APPLICABLE

**Designation**

**Officer Type**

**Resident Canadian**

OFFICER

VICE-PRESIDENT

**Administrator:  
Name (Individual / Corporation)**

**Address**

KENNETH  
JOHN  
MACDONALD

21 OLD MILL ROAD  
R R #3  
  
CAMBRIDGE  
ONTARIO  
CANADA N3H 4R8

**Date Began**

**First Director**

2003/12/01

NOT APPLICABLE

**Designation**

**Officer Type**

**Resident Canadian**

DIRECTOR

Y

Request ID: 017703040  
Transaction ID: 57830412  
Category ID: UN/E

Province of Ontario  
Ministry of Government Services

Date Report Produced: 2015/06/05  
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## CORPORATION PROFILE REPORT

**Ontario Corp Number**

1589824

**Corporation Name**

TIGERCAT INDUSTRIES INC.

**Administrator:  
Name (Individual / Corporation)**

KENNETH  
JOHN  
MACDONALD

**Address**

21 OLD MILL ROAD  
R R #3  
  
CAMBRIDGE  
ONTARIO  
CANADA N3H 4R8

**Date Began**

2003/12/01

**First Director**

NOT APPLICABLE

**Designation**

OFFICER

**Officer Type**

SECRETARY

**Resident Canadian**

Y

**Administrator:  
Name (Individual / Corporation)**

KENNETH  
JOHN  
MACDONALD

**Address**

21 OLD MILL ROAD  
R R #3  
  
CAMBRIDGE  
ONTARIO  
CANADA N3H 4R8

**Date Began**

2003/12/01

**First Director**

NOT APPLICABLE

**Designation**

OFFICER

**Officer Type**

TREASURER

**Resident Canadian**

Y

Request ID: 017703040  
Transaction ID: 57830412  
Category ID: UN/E

Province of Ontario  
Ministry of Government Services

Date Report Produced: 2015/06/05  
Time Report Produced: 16:19:03  
Page: 6

## CORPORATION PROFILE REPORT

Ontario Corp Number

Corporation Name

1589824

TIGERCAT INDUSTRIES INC.

Last Document Recorded

Act/Code Description

Form

Date

CIA ANNUAL RETURN 2013

1C

2014/06/07 (ELECTRONIC FILING)

THIS REPORT SETS OUT THE MOST RECENT INFORMATION FILED BY THE CORPORATION ON OR AFTER JUNE 27, 1992, AND RECORDED IN THE ONTARIO BUSINESS INFORMATION SYSTEM AS AT THE DATE AND TIME OF PRINTING. ALL PERSONS WHO ARE RECORDED AS CURRENT DIRECTORS OR OFFICERS ARE INCLUDED IN THE LIST OF ADMINISTRATORS.

ADDITIONAL HISTORICAL INFORMATION MAY EXIST ON MICROFICHE.

The issuance of this report in electronic form is authorized by the Director of Companies and Personal Property Security Branch.

# **EXHIBIT C**

# Delaware

PAGE 1

*The First State*

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED ARE TRUE AND CORRECT COPIES OF ALL DOCUMENTS ON FILE OF "TIGERCAT INDUSTRIES CORP." AS RECEIVED AND FILED IN THIS OFFICE.

THE FOLLOWING DOCUMENTS HAVE BEEN CERTIFIED:

CERTIFICATE OF INCORPORATION, FILED THE TWENTIETH DAY OF NOVEMBER, A.D. 1996, AT 9 O'CLOCK A.M.

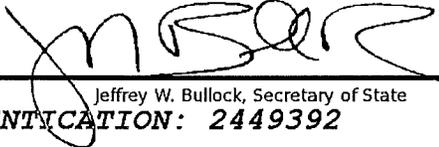
AND I DO HEREBY FURTHER CERTIFY THAT THE AFORESAID CERTIFICATES ARE THE ONLY CERTIFICATES ON RECORD OF THE AFORESAID CORPORATION, "TIGERCAT INDUSTRIES CORP.".

2686493 8100H

150898334



You may verify this certificate online  
at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

  
Jeffrey W. Bullock, Secretary of State  
AUTHENTICATION: 2449392

DATE: 06-09-15

STATE OF DELAWARE  
CERTIFICATE OF INCORPORATION

OF

TIGERCAT INDUSTRIES CORP.

I, the undersigned, in order to form a corporation for the purposes hereinafter stated, under and pursuant to the provisions of the General Corporation Law of the State of Delaware, do hereby certify as follows:

FIRST: The name of the corporation is TIGERCAT INDUSTRIES CORP. (the "Corporation").

SECOND: The registered office of the Corporation in the State of Delaware is to be located at 1013 Centre Road, County of New Castle, Delaware 19805. The name of its registered agent at such address is Corporation Service Company.

THIRD: The nature of the business or purposes to be conducted or promoted is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of the State of Delaware.

FOURTH: The total number of shares which the Corporation is authorized to issue is 1500 shares, No Par Value, Itemized as follows:

CLASS	SERIES (IF ANY)	NUMBER OF SHARES	PAR VALUE/SHARE
Common		1500	No Par Value

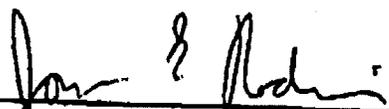
FIFTH: The name and mailing address of the incorporator is as follows:

Jonathan E. Rodwin  
c/o Kavinoky & Cook, LLP  
120 Delaware Avenue  
Buffalo, New York 14202

SIXTH: The personal liability of a director of the Corporation to the Corporation or its stockholders for monetary damages for breach of fiduciary duty as a director is eliminated to the fullest extent allowed under the laws of the State of Delaware in effect as of the date of this Certificate. This provision shall not eliminate the personal liability of a director (i) for any breach of the director's duty of loyalty to the Corporation or its stockholders, (ii) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, (iii) under Section 174 of

the Delaware General Corporation Law, or (iv) for any transaction from which the director derived an improper personal benefit.

IN WITNESS WHEREOF, I have hereunto signed this Certificate of Incorporation this 15th day of November, 1996.

  
\_\_\_\_\_  
Jonathan E. Rodwin, Incorporator

# **EXHIBIT D**

Tigercat International Inc. 30(b)(6) witnesses.

Paul Iarocci

Suzanne Cline

Kevin Selby

Martine Levea