

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

Mailed: January 27, 2009

Opposition No. 91178927
Opposition No. 91178927
Opposition No. 91180771
Opposition No. 91180772
Opposition No. 91183482
Opposition No. 91185755
Opposition No. 91186579

Royal Crown Company, Inc.

v.

The Coca-Cola Company

and

Opposition No. 91184434

The Coca-Cola Company

v.

Royal Crown Company

Cheryl Goodman, Interlocutory Attorney:

On January 26, 2009, the Board convened a telephone conference among Bruce W. Baber, Esq., and Emily Brown, counsel for The Coca-Cola Company ("TCCC") and Laura Popp-Rosenberg Esq., counsel for Royal Crown Company ("Royal Crown") and the above-identified interlocutory attorney, to hear Royal Crown's contested motion (filed December 22, 2008) to suspend these consolidated proceedings and TCCC's proposal to modify the discovery and trial schedule to follow a schedule similar to related opposition proceedings, consolidated Opposition No. 91178953 (parent case),

Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91184434, 91185755 and 91186579

Companhia de Bebidas das Americas- AMBEV v. The Coca Cola Company.

After reviewing the submissions and hearing the parties on various matters, the Board ruled as follows:

1. Royal Crown's motion to suspend is denied.
2. TCCC's motion to shorten the discovery schedule is denied. The parties are free to stipulate to shorten the discovery schedule at a future date.
3. Opposition No. 91184434 will not be severed or suspended and will remain as part of the consolidated case.
4. Prior to filing any motions to compel with respect to the outstanding discovery requests referenced in the parties' papers, the parties must make a good faith effort to resolve the dispute by teleconferencing on the matter.
5. If and when opposition(s) are filed against two other pending TCCC "ZERO" applications¹, the parties agree to consolidate the newly filed cases with the already consolidated proceedings. The parties agree to retain the current discovery and trial schedule as presently set forth in the Board's order dated October 17, 2008. The parties should notify the Board when these cases are ready for consolidation.

Discovery, disclosure and trial dates remain as set.

¹ Pending application serial nos. 77413618 and 78698990.