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

Proceeding	91178927
Party	Plaintiff Royal Crown Company, Inc.
Correspondence Address	BARBARA A. SOLOMON FROSS ZELNICK LEHRMAN & ZISSU, P.C. 866 UNITED NATIONS PLAZA NEW YORK, NY 10017 UNITED STATES LPopp-Rosenberg@fzlz.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Laura Popp-Rosenberg
Filer's e-mail	lpopp-rosenberg@fzlz.com,bbaber@kslaw.com,ebrown@kslaw.com
Signature	/Laura Popp-Rosenberg/
Date	08/13/2010
Attachments	Joint Motion to Extend Schedule (August) (F0666883).PDF (5 pages)(15662 bytes)

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

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ROYAL CROWN COMPANY, INC.,	:	<u>Consolidated Proceedings</u>
	:	Opposition No. 91178927
Opposer,	:	Opposition No. 91180771
	:	Opposition No. 91180772
- against -	:	Opposition No. 91183482
	:	Opposition No. 91185755
THE COCA-COLA COMPANY,	:	Opposition No. 91186579
	:	Opposition No. 91189847
Applicant.	:	Opposition No. 91190658
-----X		

— and —

-----X		
THE COCA-COLA COMPANY,	:	
	:	
Applicant,	:	
	:	
- against -	:	Opposition No. 91184434
	:	
ROYAL CROWN COMPANY, INC.,	:	
	:	
Opposer.	:	
-----X		

JOINT MOTION TO EXTEND SCHEDULE

Counsel for The Coca-Cola Company (“TCCC”) and counsel for Royal Crown Company, Inc. (“Royal Crown”) jointly move the Board to extend the remaining trial dates in these proceedings for sixty (60) days.

On August 9, 2010, the Board granted a prior joint request by the parties for an extension of the remaining dates in these consolidated proceedings. In that Order, the Board stated that “all further requests for extension or suspension of time to permit the parties to complete discovery must be accompanied by a progress report to establish good cause for any continued extension or

suspension.” The parties make the following report in accordance with the Board’s August 9 Order:

The parties have been actively working to conclude open discovery items. In particular, TCCC is completing its gathering of remaining outstanding documents in response to document requests served by Royal Crown during the discovery period. TCCC anticipates making production of all remaining documents by September 8, 2010. Additionally, the parties are negotiating regarding objections that have been made to the production of certain documents, the relevance of which the parties dispute. At this time, it is *not* anticipated that the Board’s intervention will be necessary to resolve the parties’ dispute as to the at-issue category of documents. The parties note that it has taken longer than expected to conclude all remaining outstanding discovery matters due to the summer holidays and other recent scheduling issues.

While the parties anticipate that all open discovery issues will be resolved by early September, the parties are requesting a sixty-day extension of the trial dates in this proceeding in order to accommodate several pre-testimony procedures to which the parties have agreed in order to simplify the introduction of evidence at trial, including procedures regarding the authentication of documents. These procedures require additional activities and coordination between the parties prior to the finalization of the parties’ pre-trial disclosures, and additional time is therefore needed between the completion of all document production and the due date for pre-trial disclosures. In addition, certain of the marks at issue have recently been assigned by Royal Crown, and the parties are preparing a consent motion to substitute the new assignee for Royal Crown that will be filed in the near future.

The parties believe that the requested additional sixty days will permit the parties to fully and adequately prepare for their pretrial disclosures and testimony periods and to avoid further

motion practice, as well as prevent critical testimony periods from falling during the year-end holidays. For the reasons stated above, the parties believe that good cause exists for the requested extension.

Accordingly, the parties stipulate to and respectfully request the Board to approve and enter the following schedule:

	Deadline under August 9 Order	New Deadline
Plaintiff's pretrial disclosures due in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658	August 23, 2010	October 22, 2010
Plaintiff's 30-day testimony period closes in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658	October 7, 2010	December 6, 2010
Defendant's pretrial disclosures due in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658 and plaintiff's pretrial disclosures due in Opposition No. 91184434	October 22, 2010	December 21, 2010
Defendant's testimony period closes in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658 and plaintiff's testimony period closes in Opposition No. 91184434	December 6, 2010	February 4, 2011
Plaintiff's rebuttal disclosures due in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658 and defendant's pretrial disclosures due in Opposition No. 91184434	December 21, 2010	February 19, 2011

	Deadline under August 9 Order	New Deadline
Defendant's 30-day testimony period closes in Opposition No. 91184434 and Plaintiff's 15-day rebuttal period closes in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658	February 4, 2011	April 5, 2011
Plaintiff's rebuttal disclosures due in Opposition No. 91184434	February 19, 2011	April 20, 2011
Plaintiff's 15-day rebuttal testimony period closes in Opposition No. 91184434	March 21, 2011	May 20, 2011
Plaintiff's brief due in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658	May 20, 2011	July 19, 2011
Defendant's brief due in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658 and plaintiff's brief due in Opposition No. 91184434	June 19, 2011	August 18, 2011
Plaintiff's reply brief due in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658 and defendant's brief due in Opposition No. 91184434	July 19, 2011	September 17, 2011
Plaintiff's reply brief due in Opposition No. 91184434	August 3, 2011	October 2, 2011

Dated: August 13, 2010

Respectfully submitted,

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: /Laura Popp-Rosenberg/
Barbara A. Solomon
Laura Popp-Rosenberg
866 United Nations Plaza
New York, New York 10017
Telephone: (212) 813-5900
Email: bsolomon@frosszelnick.com
lpopp-rosenberg@frosszelnick.com

Attorneys for Royal Crown Company, Inc.

Dated: August 13, 2010

KING & SPALDING LLP

By: /Bruce W. Baber/
Bruce W. Baber
Emily B. Brown
1180 Peachtree Street
Atlanta, Georgia 30309
Telephone: (404) 572-4600
Email: bbaber@kslaw.com
ebrown@kslaw.com

Attorneys for The Coca-Cola Company