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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 PC 866 UNITED NATIONS PLAZA NEW YORK, NY 10017 UNITED STATES bsolomon@fzlj.com
Submission	Motion to Suspend for Settlement Discussions
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Signature	/Laura Popp-Rosenberg/
Date	01/04/2011
Attachments	Final Consented Motion to Suspend (Jan.) (F0731051).PDF (6 pages)(16606 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		

MOTION FOR SUSPENSION FOR SETTLEMENT WITH CONSENT

Counsel for The Coca-Cola Company (“TCCC”) and counsel for Royal Crown Company, Inc. (“Royal Crown”) hereby submit this Motion for Suspension for Settlement With Consent, and seek an additional 60-day suspension of the proceedings.

The parties provide the following report in accordance with the Board’s April 15, 2010, June 1, 2010, August 9, 2010 and September 15, 2010 orders:

This is the second time the parties have requested suspension of these consolidated proceedings for purposes of settlement negotiations, the first request for suspension having

been made in October 2010. Prior to October 2010, the parties' requests for extensions of the trial dates were made solely to accommodate certain outstanding discovery matters and to enable the parties to prepare for trial.

During the past three months, the parties have continued to be actively engaged in ongoing substantive negotiations directly through in-house counsel to determine whether an amicable resolution can be achieved that would resolve these proceedings. More particularly, in-house counsel for the parties have had multiple substantive telephone conferences and e-mail exchanges regarding settlement since early September, and have recently continued their discussions through further conversations and lengthy e-mail exchanges that have addressed a number of different possible approaches to settlement. Royal Crown is currently considering TCCC's response, sent to Royal Crown's counsel in mid-December, to a settlement proposal made by Royal Crown, and the parties expect to communicate about settlement again in the near future now that the recent holiday season has concluded. Thus, the parties' discussions are substantive, detailed and ongoing.

The parties therefore request a further 60-day suspension of the proceedings. The parties hope that a continuance of the suspension will enable the parties to make a determination of whether settlement is possible or, if the parties determine that settlement is not possible, will enable the parties to complete discovery and final preparation for trial. TCCC has agreed to produce all outstanding documents before the conclusion of the suspension period in the event that the parties conclude that settlement is not possible.

For the reasons stated above, the parties believe that good cause exists for the requested suspension.

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

	Deadline under November 17 Order	New Deadline
Suspension ends and proceedings resume	January 12, 2011	March 13, 2011
Plaintiff's pretrial disclosures due in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658	January 20, 2011	March 21, 2011
Plaintiff's 30-day testimony period closes in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658	March 6, 2011	May 5, 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	March 21, 2011	May 20, 2011
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	May 5, 2011	July 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	May 20, 2011	July 19, 2011
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	July 4, 2011	September 2, 2011
Plaintiff's rebuttal disclosures due in Opposition No. 91184434	July 19, 2011	September 17, 2011

	Deadline under November 17 Order	New Deadline
Plaintiff's 15-day rebuttal testimony period closes in Opposition No. 91184434	August 18, 2011	October 17, 2011
Plaintiff's brief due in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658	October 17, 2011	December 16, 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	November 16, 2011	January 15, 2012
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	December 16, 2011	February 14, 2012
Plaintiff's reply brief due in Opposition No. 91184434	December 31, 2011	February 29, 2012

Respectfully submitted,

Dated: January 4, 2011

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

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Attorneys for Royal Crown Company, Inc.

Dated: January 4, 2011

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Attorneys for The Coca-Cola Company

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of the foregoing MOTION FOR SUSPENSION FOR SETTLEMENT ON CONSENT to be deposited with the United States Postal Service as First Class mail, postage prepaid, in an envelope addressed to counsel for The Coca-Cola Company, Bruce Baber, Esq., King & Spalding LLP, 1185 Avenue of the Americas, New York, NY 10036-4003, this 4th day of January, 2011.

/Laura Popp-Rosenberg/
Laura Popp-Rosenberg