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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. and Dr. Pepper/Seven Up, Inc.
Correspondence Address	LAURA POPP-ROSENBERG FROSS ZELNICK LEHRMAN & ZISSU PC 866 UNITED NATIONS PLAZA NEW YORK, NY 10017 UNITED STATES bsolomon@fzlz.com, bsolomon@frosszelnick.com, lpopp-rosenberg@frosszelnick.com
Submission	Other Motions/Papers
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Signature	/Giselle C.W. Huron/
Date	11/30/2012
Attachments	Decl. of L.Popp-Rosenberg in Support of Plaintiff Motion To Compel (F1128620).PDF (14 pages)(613402 bytes) Exhibits to Declaration in Support of [Second] Motion to Compel (F1128684)2.PDF (483 pages)(5926520 bytes)

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

ROYAL CROWN COMPANY, INC., Opposer, - against - THE COCA-COLA COMPANY, Applicant.	**Consolidated Proceedings** Opposition No. 91178927 Opposition No. 91180771 Opposition No. 91180772 Opposition No. 91183482 Opposition No. 91185755 Opposition No. 91186579 Opposition No. 91189847 Opposition No. 91190658

—and—

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

DECLARATION OF LAURA POPP-ROSENBERG
IN SUPPORT OF ROYAL CROWN COMPANY, INC.'S
MOTION TO COMPEL AND TO TEST SUFFICIENCY OF OBJECTION

I, Laura Popp-Rosenberg, hereby declare under penalty of perjury:

1. I am a member of Fross Zelnick Lehrman & Zissu, P.C., attorneys for opposer and applicant Royal Crown Company, Inc. ("Royal Crown") in the above-captioned consolidated proceedings. I submit this declaration in support of Royal Crown Company, Inc.'s Motion to Compel and to Test Sufficiency of Objection dated November 30, 2012. I make this declaration based on personal knowledge of the facts and circumstances set forth herein and upon review of my firm's records in this matter.

Royal Crown's Discovery Requests

2. Royal Crown has served, and The Coca-Cola Company ("TCCC") has provided written responses to, five sets of requests for documents, as follows:

(a) On April 7, 2008, Royal Crown served TCCC with Opposer's First Set of Requests for the Production of Documents and Things to Applicant ("First Document Requests"), which contained document requests numbered 1 through 22, a true and correct copy of which is attached hereto as Exhibit 1. A true and correct copy of TCCC's written response to the First Document Requests is attached hereto as Exhibit 2.

(b) On February 13, 2009, Royal Crown served TCCC with Royal Crown's Second Set of Requests for the Production of Documents and Things to Applicant ("Second Document Requests"), which contained document requests numbered 23 through 38, a true and correct copy of which is attached hereto as Exhibit 3. True and correct copies of TCCC's written responses, and supplemental written responses, to the Second Document Requests are attached hereto as Exhibit 4.

(c) On January 14, 2010, Royal Crowned served TCCC with Royal Crown's Third Set of Requests for the Production of Documents and Things to Applicant ("Third Document Requests"), which contained document requests numbered 39 through 48, a true and correct copy of which is attached hereto as Exhibit 5. A true and correct copy of TCCC's written response to the Third Document Requests is attached hereto as Exhibit 6.

(d) On February 23, 2010, Royal Crown served TCCC with Royal Crown's Fourth Set of Requests for the Production of Documents and Things to The Coca-Cola Company ("Fourth Document Requests"), which contained document requests numbered 49 through 71, a true and correct copy of which is attached hereto as Exhibit 7. A true and correct

copy of TCCC's written response to the Fourth Document Requests is attached hereto as Exhibit 8.

(e) On August 17, 2012, Royal Crown served TCCC with Royal Crown's Fifth Set of Requests for the Production of Documents and Things to The Coca-Cola Company ("Fifth Document Requests"), which contained document requests numbered 72 through 90, a true and correct copy of which is attached hereto as Exhibit 9. A true and correct copy of TCCC's written response to the Fifth Document Requests is attached hereto as Exhibit 10.

3. Royal Crown has served, and TCCC has responded to, four sets of requests for admission, as follows:

(a) On February 25, 2008, Royal Crown served TCCC with Opposer's First Set of Requests for Admission ("First RFAs"), which contained requests for admission numbered 1 through 57, a true and correct copy of which is attached hereto as Exhibit 11. A true and correct copy of TCCC's response to the First RFAs is attached hereto as Exhibit 12.

(b) On February 18, 2009, Royal Crown served TCCC with Opposer's Second Set of Requests for Admission ("Second RFAs"), which contained requests for admission numbered 58 through 143, a true and correct copy of which is attached hereto as Exhibit 13. A true and correct copy of TCCC's response to the Second RFAs is attached hereto as Exhibit 14.

(c) On February 23, 2010, Royal Crown served TCCC with Royal Crown's Third Set of Requests for Admission ("Third RFAs"), which contained requests for admission numbered 144 through 224, a true and correct copy of which is attached hereto as Exhibit 15. A true and correct copy of TCCC's response to the Third RFAs is attached hereto as Exhibit 16.

(d) On August 17, 2012, Royal Crown served TCCC with Royal Crown's Fourth Set of Requests for Admission ("Fourth RFAs"), which contained requests for admission

numbered 225 through 299, a true and correct copy of which is attached hereto as Exhibit 17. A true and correct copy of TCCC's response to the Fourth RFAs is attached hereto as Exhibit 18.

4. Royal Crown has served, and TCCC has responded to, two sets of interrogatories, as follows:

(a) On April 7, 2008, Royal Crown served TCCC with Opposer's First Set of Interrogatories to Applicant ("First Interrogatories"), which contained interrogatories numbered 1 through 5, a true and correct copy of which is attached hereto as Exhibit 19. A true and correct copy of TCCC's response to the First Interrogatories is attached hereto as Exhibit 20.

(b) On February 18, 2009, Royal Crown served TCCC with Royal Crown's Second Set of Interrogatories to The Coca-Cola Company ("Second Interrogatories"), which contained interrogatories numbered 6 through 16, a true and correct copy of which is attached hereto as Exhibit 21. True and correct copies of TCCC's response to the Second Interrogatories, and its supplemental responses dated July 29, 2009 and December 14, 2009, are attached hereto as Exhibit 22.

5. As noted above, Royal Crown served its Third Document Requests to TCCC on January 14, 2010. Although TCCC provided a written response by the February 18, 2010 deadline, it did not produce documents in response to the Third Document Requests.

6. I first raised the issue of TCCC's failure to produce documents in response to the Third Document Requests by an email to TCCC's counsel, Bruce Baber, dated February 22, 2010. In that email, I requested TCCC to advise when it planned to produce documents. I made this request in light of TCCC's previous delays in producing documents. Attached hereto as Exhibit 23 is a true and correct copy of my February 22, 2010 email to Mr. Baber.

7. On March 9, 2010, Mr. Baber and I held a meet-and-confer by telephone to discuss the issue of TCCC's failure to produce documents in response to Royal Crown's Third Document Requests. During that call, TCCC's counsel represented that production would be made by March 31, 2010. Despite counsel's promise, TCCC made no production by March 31, 2010.

8. As noted above, on February 23, 2010, Royal Crown served its Fourth Document Requests to TCCC. Although TCCC provided a written response by the March 19, 2010 deadline, it did not produce documents in response to the Fourth Document Requests.

9. On April 29, 2010, I sent a letter to Mr. Baber concerning, *inter alia*, TCCC's failure to serve documents in response to either Royal Crown's Third or Fourth Document Requests. The April 29 letter requested a date certain by which TCCC would make production. A true and correct copy of my April 29, 2010 letter is attached hereto as Exhibit 24.

10. Mr. Baber responded to my April 29, 2010 letter by email dated May 12, 2010. In that email, TCCC's counsel represented that he "believed" that TCCC would produce documents in response to Royal Crown's Third and Fourth Document Requests by June 3, 2010. A true and correct copy of Mr. Baber's May 12, 2010 email is attached hereto as Exhibit 25.

11. I responded by email dated May 13, 2010, rejecting the tentatively proposed June 3, 2010 production date both as indefinite and too close to the trial date (then set to open three weeks later), unless TCCC agreed to extend the trial dates. A true and correct copy of my May 13, 2010 email to Mr. Baber is attached hereto as Exhibit 26.

12. Ultimately, Mr. Baber and I agreed to extend the trial schedule, contingent on TCCC making its full production by June 3, 2010. A true and correct copy of email correspondence between Mr. Baber and me on the issue is attached hereto as Exhibit 27.

13. TCCC made no document production in response to the Third and Fourth Document requests on or before the agreed-upon deadline of June 3, 2010.

14. I again wrote to Mr. Baber by email about the long overdue document production on June 9, 2010. A true and correct copy of my June 9, 2010 email to Mr. Baber is attached hereto as Exhibit 28.

15. Mr. Baber responded by email on June 10, 2010, confirming that TCCC had not yet made production and advising that TCCC was "still searching for responsive documents." A true and correct copy of Mr. Baber's June 10, 2010 email is attached hereto as Exhibit 29.

16. Still not having received any document production by the end of June, I called Mr. Baber on July 1, 2010, leaving a voicemail inquiring as to the status of the overdue documents and suggesting a further extension of the trial dates so that Royal Crown would not be prejudiced by TCCC's delinquencies.

17. Mr. Baber responded to my voicemail in an email dated July 6, 2010. In that email, Mr. Baber took me up on my proposal to extend the dates in the proceeding, but did not address the issue of his client's long overdue production. A true and correct copy of Mr. Baber's July 6, 2010 email is attached hereto as Exhibit 30.

18. I sent yet another email to Mr. Baber about the overdue document production on July 13, 2010. A true and correct copy of my July 13, 2010 email to Mr. Baber is attached hereto as Exhibit 31.

19. Having received neither a response to my July 13, 2010 email nor documents in response to the Third and Fourth Document Requests, I emailed Mr. Baber about the overdue documents on August 9, 2010. A true and correct copy of my August 9, 2010 email is attached hereto as Exhibit 32.

20. Mr. Baber responded to my August 9 email on August 12, 2010, advising that he "believe[d]" TCCC would be able to produce outstanding documents by September 8, 2010. A true and correct copy of Mr. Baber's August 12, 2010 email is attached hereto as Exhibit 33.

21. Not having received production documents by the proposed September 8, 2010 deadline, I wrote to Mr. Baber on September 10, 2010, again querying as to the status of the long overdue production. A true and correct copy of my September 10, 2010 email is attached hereto as Exhibit 34.

22. Mr. Baber responded by email the same day, stating that he "hope[d]" to produce documents by no later than September 20, 2010. A true and correct copy of Mr. Baber's September 10, 2010 email is attached hereto as Exhibit 35. TCCC made no production by or before September 20, 2010.

23. Beginning in late September 2010, TCCC and Royal Crown began directly negotiating a possible settlement of the matter, and the parties stipulated to successive suspensions of the underlying proceedings to permit settlement discussions to continue. (*See* Dkt. Nos. 60-67.)

24. Settlement discussions ultimately did not prove fruitful. But by that time, a third-party opposition involving some of the same TCCC marks involved in these proceedings (Opposition No. 91178953) had progressed to the trial stage. The parties and the Board agreed that it made sense to suspend these proceedings pending decision in Opposition No. 91178953. (*See* Dkt. No. 68 & 69.)

25. A decision issued in Opposition No. 91178953 on May 2, 2012. Thereafter, Royal Crown notified the Board that a decision had issued in Opposition No. 91178953 and requested

the Board to further suspend the proceedings until expiration of the appeal period. (*See* Dkt. No. 70.)

26. On July 9, 2012, I reached out to Mr. Baber by email suggesting a conference call to discuss a schedule for the soon-to-be resumed proceedings in light of outstanding discovery items. Mr. Baber did not respond, so I followed up by email on July 17, 2012. True and correct copies of my July 9 and July 17, 2012 emails to Mr. Baber are attached hereto as Exhibit 36.

27. On July 19, 2012, the Board issued an order resuming theses proceedings. (*See* Dkt. No. 71.) Among other things, the Board's July 19, 2012 Order set August 17, 2012 as the discovery close date.

28. That same day, I contacted Mr. Baber twice by email, the first time to follow up on my July 9 and 17 emails and again request a teleconference to discuss open discovery items, and the second time to notify him of a mistake I noticed in the Board's July 19 Order – specifically, the time between TCCC's pretrial disclosures and the close of TCCC's trial period was set too short. True and correct copies of my two July 19, 2012 emails to Mr. Baber are attached hereto as Exhibit 37. Despite being notified of a mistake in certain dates set forth in the Board's July 19 Order, TCCC did not at the time raise any other issue about any dates set forth in the order.

29. On July 23, 2012, the Board issued a correction to its July 19 Order. (*See* Dkt. No. 72.). The Board's July 23 Order maintained the August 17, 2012 discovery close date set forth in the original order. Again, TCCC did not at the time raise any issue about any of the dates set forth in the Board's July 23 Order.

30. On August 10, 2012, Mr. Baber and I held a teleconference to discuss certain logistics related to the resumption of the proceedings, including TCCC's discovery deficiencies

and both parties' need to update discovery responses after the long suspension. During that call, Mr. Baber and I agreed that the dates in the proceeding would need to be extended so that the parties could conclude and update discovery. We each agreed to review our own client's discovery requests to the other side to identify which requests needed updated responses, and then to regroup later to discuss the results and an appropriate extension of the dates in the proceeding. During the August 10, 2012 teleconference, Mr. Baber never raised any issues with the Board's July 19 and July 23 Orders setting August 17, 2012 as the discovery close date.

31. On August 17, 2012, consistent with the Board's July 19 and July 23 Orders, Royal Crown served additional discovery requests on TCCC, specifically, the Fifth Document Requests (*see* Exhibit 9) and the Fourth RFAs (*see* Exhibit 17) (together, the "August 17 Discovery Requests"). Royal Crown served the August 17 Discovery Requests by mail, which meant that, under the applicable rules, TCCC's written responses were due no later than September 21, 2012.

32. On August 27, 2012, Mr. Baber and I held another teleconference to discuss the process for completing and updating discovery and an extension of the trial deadlines. Mr. Baber listed during the call which of TCCC's discovery requests TCCC would like Royal Crown to update. I told Mr. Baber that I would send him a written list of TCCC's outstanding discovery deficiencies and which discovery requests needed updating. During the August 27 call, Mr. Baber did not mention Royal Crown's August 17, 2012 discovery requests, nor did he question the Board's decision in the July 19 and 23 Orders to set August 17, 2012 as a discovery close date.

33. During the afternoon of August 27, 2012, following our conference call, I sent Mr. Baber a list of TCCC's outstanding discovery deficiencies and a list of discovery requests for

which TCCC needed to update its responses. A true and correct copy of my August 27, 2012 email to Mr. Baber is attached hereto as Exhibit 38.

34. On September 18, 2012, Mr. Baber sent me an email concerning both an extension of TCCC's deadline to response to Royal Crown's August 17 Discovery Requests and an extension of the trial schedule. In that email, Mr. Baber did not question the propriety of Royal Crown's August 17 Discovery Requests or the propriety of the Board setting August 17, 2012 as a discovery close date following resumption of the proceedings. Instead, Mr. Baber requested a two-week extension of TCCC's deadline to respond to the August 17 Discovery Requests (through October 5, 2012), and suggested that the dates in the proceeding "be revised so that the discovery period remain closed, and [Royal Crown]'s pretrial disclosures be due December 15[, 2012]." Mr. Baber also advised that he and his client "believed [they] will be able to produce additional documents by Friday, October 19." A true and correct copy of Mr. Baber's September 18, 2012 email is attached hereto as Exhibit 39.

35. Based on further email correspondence, Mr. Baber confirmed that by October 19, 2012, TCCC would produce documents in response to the "documents responsive to the requests as to which [TCCC has] not produced documents in the past" – that is the Third, Fourth and Fifth Document Requests (the Fifth Document Requests being part of the August 17 Discovery Requests). Mr. Baber further advised that he wished to discuss further Royal Crown's discovery supplementation requests. A true and correct copy of the confirmatory email correspondence referenced above is attached hereto as Exhibit 40.

36. Royal Crown granted the requested two-week extension for TCCC's response to the August 17 Discovery Requests, and the parties ultimately decided that in order to accommodate completion and updating of discovery, it would make sense to extend the trial

schedule so that the trial would start in early 2013, and filed a stipulation to that effect on September 27, 2012. (Dkt. No. 73.) The Board granted the parties' stipulated extension on October 4, 2012. (Dkt. No. 74.)

37. On October 4, 2012, Mr. Baber requested an additional 7-day extension of the deadline, through October 12, 2012, for TCCC to respond to the August 17 Discovery Requests. Royal Crown consented to the additional extension request, which meant that TCCC had almost double the normal time to respond to the August 17 Discovery Requests: a total of 56 days to respond, and a total extension of three-and-a-half weeks beyond the original deadline for response.

38. Despite having such a long period of time to formulate substantive responses to the August 17 Discovery Requests, on the extended October 12, 2012 deadline, TCCC served only an objection to the requests, arguing for the first time that the August 17 Discovery Requests were untimely served on the theory that the Board's setting of the August 17, 2012 discovery close was an error. (*See* Exs. 10 & 18.)

39. I received TCCC's objection to the August 17, 2012 Discovery Requests on October 16, 2012. That same day, I sent an email to Mr. Baber, rejecting TCCC's untimeliness objection as unfounded, requesting an immediate telephone conference to discuss the matter and advising that Royal Crown would proceed with a motion to compel if TCCC did not agree to respond, in full, to the August 17 Discovery Requests. A true and correct copy of my October 16, 2012 email to Mr. Baber is attached hereto as Exhibit 41.

40. Mr. Baber and I spoke by telephone on October 22, 2012 regarding TCCC's refusal to respond to the August 17 Discovery Requests. Mr. Baber suggested that TCCC would agree to respond informally and in a limited manner to the August 17 Discovery Requests in lieu

of providing formal, complete responses. I asked Mr. Baber to send me a written proposal so that I could consider his proposed compromise.

41. Mr. Baber sent the requested written proposal by email dated October 24, 2012, a true and correct copy of which is attached hereto as Exhibit 42.

42. Following a delay caused in part by Hurricane Sandy, I advised Mr. Baber by email dated November 19, 2012 that Royal Crown would not accept TCCC's proposal to provide limited, informal responses in lieu of complete and formal responses to the August 17 Discovery Requests, and that Royal Crown would proceed with a motion to compel on both that issue, as well as TCCC's wholesale failure to produce documents to the Third and Fourth Document Requests, and TCCC's failure to supplement its discovery responses. My email invited Mr. Baber to call me if he wished to discuss the matter further. A true and correct copy of my November 19, 2012 email to Mr. Baber is attached hereto as Exhibit 43.

43. Mr. Baber finally responded to my November 19 email more than a week later. In that email, he did not substantively address TCCC's discovery deficiencies but merely proposed yet another telephone conversation between the parties to be held three days off, at the earliest. A true and correct copy of Mr. Baber's November 27, 2012 email is attached hereto as Exhibit 44.

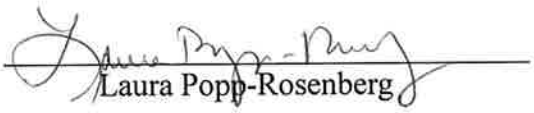
44. I replied to Mr. Baber's November 27 email the same day, agreeing to make myself available for a call on the day he proposed, but advising that Royal Crown would not remit to file its Motion to Compel. A true and correct copy my November 27, 2012 email is attached hereto as Exhibit 45.

45. To this date, TCCC has never produced documents in response to Royal Crown's Third Document Requests dated January 14, 2010, or to Royal Crown's Fourth Document

Requests dated February 23, 2010. To this date, TCCC has also refused to respond to Royal Crown's Fifth Document Requests and Fourth RFAs, both dated August 17, 2012, with anything other than a wholly baseless untimeliness objection. And TCCC has not updated any of its discovery responses since these proceedings resumed earlier this year.

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, declares that all statements made of his own knowledge are true, and all statements made on information and belief are believed to be true.

Declared under penalty of perjury this 30th day of November, 2012, at New York, New York.



Laura Popp-Rosenberg

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of the **Declaration of Laura Popp-Rosenberg in Support of Royal Crown Company, Inc.'s Motion to Compel and to Test Sufficiency of Objection** 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 30th day of November, 2012.

Laura Popp-Rosenberg

EXHIBIT 1

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

ROYAL CROWN COMPANY, INC.,	:	
	:	Consolidated Proceedings:
Opposer,	:	Opposition No. 91178927
	:	Opposition No. 91180771
- against -	:	Opposition No. 91180772
	:	
THE COCA-COLA COMPANY,	:	
	:	
Applicant.	:	

OPPOSER'S FIRST SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS TO APPLICANT

Pursuant to 37 C.F.R. § 2.120 and Rules 26 and 34 of the Federal Rules of Civil Procedure, Opposer Royal Crown Company, Inc. hereby requests that Applicant The Coca-Cola Company respond to the following requests for the production of documents and things by providing written responses thereto within the time specified by the Trademark Rules of Practice and the Federal Rules of Civil Procedure and by producing the documents and things specified herein for inspection and copying at the offices of Royal Crown Company Inc.'s attorneys, Fross Zelnick Lehrman & Zissu P.C., at 866 United Nations Plaza, New York, New York 10017, Attn.: Laura Popp-Rosenberg, simultaneously with the written responses or at another mutually agreed upon time and place.

DEFINITIONS

A. "Applicant" means The Coca-Cola Company and any company controlled by or affiliated with it; any division, parent, subsidiary, licensee, franchisee, successor, predecessor-in-interest, assign or other related business entity; and every officer, employee, agent, attorney or

other person acting or purporting to act on its behalf or through whom it acts or has acted, and the predecessors or successors of any of them.

B. "Applicant's Marks" means the marks COCA-COLA ZERO, COKE ZERO and SPRITE ZERO, the marks herein opposed.

C. A request "Concerning" any subject calls for all Documents or Things that reflect, relate to, comprise, evidence, constitute, describe, explicitly or implicitly refer to, were reviewed in conjunction with, or were generated as a result of the subject matter of the request, including but not limited to all Documents that reflect, record, memorialize, discuss, evaluate, consider, review or report on the subject matter of the request.

D. "Document" is used in the broadest sense possible consistent with the Federal Rules of Civil Procedure as adopted by the Trademark Rules of Practice and includes, without limitation, non-identical copies (whether different from the original because of underlining, editing marks, notes made on or attached to such copy, or otherwise), and drafts, whether printed or recorded (through a sound, video or other electronic, magnetic or digital recording system) or reproduced by hand, including but not limited to writings, recordings, photographs, letters, correspondence, purchase orders, invoices, facsimiles, telegrams, telexes, memoranda, records, summaries, minutes, records or notes of personal conversations, interviews, meetings and/or conferences, note pads, notebooks, postcards, "Post-It" notes, stenographic or other notes, opinions or reports of consultants, opinions or reports of experts, projections, financial or statistical statements or compilations, checks (front and back), contracts, agreements, appraisals, analyses, confirmations, publications, articles, books, pamphlets, circulars, microfilms, microfiche, reports, studies, logs, surveys, diaries, calendars, appointment books, maps, charts, graphs, bulletins, tape recordings, videotapes, disks, diskettes, compact discs (CDs), data tapes or

readable computer-produced interpretations or transcriptions thereof, electronically-transmitted messages (email), voicemail messages, inter-office communications, advertising, packaging and promotional materials, and any other writings, papers and tangible things of whatever description whatsoever, including but not limited to all information contained in any computer or electronic data processing system, or on any tape, whether or not already printed out or transcribed. **Without limiting the foregoing, "Documents" include electronically stored information, including any and all subsisting metadata associated therewith**.

E. When not capitalized, "mark," "trademark" and "trade name" each incorporate trademarks, service marks, trade names and service names.

F. "Market Research" includes all surveys, polls, focus groups, trademark and/or any other search reports, market research studies and other investigations, whether or not such investigations were completed, discontinued or fully carried out.

G. "Opposer " means Royal Crown Company, Inc.

H. "Person" means any natural person or any business, legal or governmental entity or association.

I. "Request for Admission No. __" refers to a specific request for admission in Opposer's First Set of Requests for Admission, served February 25, 2008.

J. "Thing" means any tangible object.

K. The use of the singular form of any word includes the plural and vice versa.

INSTRUCTIONS

1. Applicant is required to produce any and all responsive Documents in its possession, custody or control that are known or available to it, regardless of whether those Documents are possessed by it or by any agent, representative, attorney or other third party.

Applicant must make a diligent search of its records (including but not limited to paper records, computerized records, electronic mail records and voicemail records) and of other papers and materials in its possession, custody or control, including but not limited to those Documents available to it or its agents, representatives, attorneys or other third parties.

2. All Documents produced for inspection must be organized and labeled to correspond with the categories in the request or as the Documents are kept in the ordinary course. Fed. R. Civ. P. 34(b).

3. In the event Applicant produces copies of the responsive Documents, it is requested to retain the originals of all such Documents for inspection. Staples, clips, notes, tape and other items attached in any way to Documents or attaching Documents to each other should not be removed.

4. Where any copy of any Document is not identical to any other copy thereof by reason of any alteration, marginal notes, comments or other material contained there or attached thereto, or otherwise, Applicant should produce all such non-identical copies separately.

5. If there are no Documents responsive to any particular request or part thereof, Applicant should so state in writing.

6. If Applicant objects to furnishing Documents in response to any request, or any part or portion thereof, Applicant should state specifically the basis of such objection, identify the Documents to which each objection applies, and furnish all requested Documents to which the objection does not apply. Applicant is reminded that objections based on confidentiality are not proper. *See* 35 C.F.R. § 2.116(g).

7. In the event any Document is withheld on a claim of attorney/client privilege or work product immunity, Applicant should offer a statement signed by an attorney representing it identifying as to each such Document:

(a) the name of the author of the Document;

(b) the name of the sender of the Document;

(c) the names of all Persons to whom copies were sent or to whom the information contained therein was disclosed;

(d) the job title of every Person named in (1), (2), and (3) above;

(e) the date of the Document;

(f) the date on which the Document was received;

(g) a brief description of the nature and subject matter of the Document; and

(h) the statute, rule, or decision which is claimed to give rise to the privilege.

8. If, in responding to any document request, Applicant perceives any ambiguity in construing either the request or the instruction or definition relevant to the request, Applicant should identify the matter deemed ambiguous and set forth the construction chosen or used in answering the request.

9. Unless otherwise stated, these requests are limited to the United States.

10. These requests are continuing in character so as to require prompt supplemental production if Applicant obtains or discovers further responsive Documents after preparing and serving its initial responses pursuant to these requests. Applicant should serve each supplemental response no later than 30 days after discovery of further responsive Documents. In no event should Applicant serve any supplemental response later than the day before the trial period opens.

REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS

Request No. 1

All Documents supporting Applicant's denial of Request for Admission No. 4.

Request No. 2

All Documents Concerning Applicant's claim that the ZERO portion of the mark COCA-COLA ZERO is inherently distinctive.

Request No. 3

All Documents supporting Applicant's denial of Request for Admission No. 5.

Request No. 4

All Documents Concerning Applicant's claim that the ZERO portion of the mark COKE ZERO is inherently distinctive.

Request No. 5

All Documents supporting Applicant's denial of Request for Admission No. 6.

Request No. 6

All Documents Concerning Applicant's claim that the ZERO portion of the mark SPRITE ZERO is inherently distinctive.

Request No. 7

Documents or Things sufficient to show any nutritional facts appearing on packaging for products bearing Applicant's Marks.

Request No. 8

All Documents Concerning consumer understanding or perception of the term ZERO when used in connection with beverages.

Request No. 9

All Documents Concerning consumer recognition of the term ZERO as a source-identifying term

Request No. 10

All Documents supporting Applicant's denial of Request for Admission No. 34.

Request No. 11

For each advertising media used (*e.g.*, print, television, radio, internet, outdoor, point-of-sale), representative samples of publicly-disseminated advertisements for products bearing each of Applicant's Marks.

Request No. 12

Documents sufficient to show each tagline or advertising slogan considered or used in connection with products bearing any of Applicant's Marks.

Request No. 13

All press releases issued by or on behalf of Applicant Concerning products offered under or bearing any of Applicant's Marks.

Request No. 14

All Market Research Concerning any of Applicant's Marks.

Request No. 15

All Market Research Concerning consumer perception or recognition of any of Applicant's Marks.

Request No. 16

All Market Research Concerning the term ZERO used in connection with beverages.

Request No. 17

All Market Research Concerning consumer perception of the term ZERO used in connection with beverages.

Request No. 18

All Market Research Concerning consumer recognition of the term ZERO as a source-identifying term.

Request No. 19

All Market Research Concerning consumer perception of any advertising for products bearing any of Applicant's Marks.

Request No. 20

All trademark searches conducted by or on behalf of Applicant for any of Applicant's Marks.

Request No. 21

All trademark searches conducted by or on behalf of Applicant for the term ZERO.

Request No. 22

All Documents and things Concerning third party use of the term ZERO in connection with the sale, marketing, advertising or marketing of any beverage.

Dated: New York, New York
April 7, 2008

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: _____
Barbara A. Solomon
Laura Popp-Rosenberg
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

Attorneys for Opposer Royal Crown Company, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of **Opposer's First Set of Requests for the Production of Documents and Things** to be deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to counsel for Applicant, Bruce Baber, Esq., King & Spalding LLP, 1185 Avenue of the Americas, New York, NY 10036-4003, this 7th day of April, 2008.

Laura Popp-Rosenberg

EXHIBIT 2

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

ROYAL CROWN COMPANY, INC.,	)	
	)	
Opposer,	)	Consolidated Proceedings:
	)	
v.	)	OPPOSITION NO. 91178927
	)	OPPOSITION NO. 91180771
THE COCA-COLA COMPANY,	)	OPPOSITION NO. 91180772
	)	
Applicant.	)	

APPLICANT'S RESPONSES TO OPPOSER'S FIRST SET OF
REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS

Applicant The Coca-Cola Company ("TCCC"), by and through its undersigned counsel and in accordance with Rule 34 of the Federal Rules of Civil Procedure and Rules 2.116 and 2.120 of the Trademark Rules of Practice, hereby responds as follows to "Opposer's First Set Of Requests For The Production Of Documents And Things To Applicant" ("Opposer's Document Requests") served by Opposer Royal Crown Company, Inc. ("Opposer") on April 7, 2008.

GENERAL OBJECTIONS

1.

TCCC objects to Opposer's Document Requests, and the "Definitions" and "Instructions" contained therein, including without limitation the purported definitions and instructions relating to the time and place of production, privilege, and the scope of knowledge or information in the possession of TCCC, on the grounds that such purported definitions and instructions are overbroad, seek documents containing redundant and irrelevant information that is neither relevant to the issues in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence, seek to impose on TCCC obligations greater than or different from those imposed under the Federal Rules of Civil Procedure and the Trademark Rules of Practice, and seek documents and information subject to the attorney-client privilege, subject to the work product doctrine, or otherwise protected from discovery. In responding to Opposer's Document Requests, TCCC shall respond in accordance with the applicable provisions of the Federal Rules of Civil Procedure and the Trademark Rules of Practice.

2.

TCCC objects to Opposer's Document Requests to the extent that they are duplicative or cumulative of each other. When discovery requests are duplicative

or cumulative, TCCC will respond to the first such discovery request, and incorporate that response in its responses to the later discovery requests.

3.

TCCC objects to Opposer's Document Requests to the extent that they seek documents not within TCCC's possession, custody, or control, or that are as easily available to Opposer as to TCCC.

4.

TCCC objects to Opposer's definition of "Applicant" to the extent that it purports to include attorneys and other persons not employed by TCCC. In responding to Opposer's Document Requests, TCCC will respond on behalf of The Coca-Cola Company, the Applicant in these proceedings.

5.

TCCC objects to each of Opposer's Document Requests to the extent that they seek "all" documents. TCCC has conducted a reasonable investigation and search with respect to the documents responsive to Opposer's Document Requests. To the extent Opposer's Document Requests seek to impose a greater burden on TCCC, they are unduly burdensome, overbroad, and not reasonably calculated to lead to the discovery of admissible evidence. TCCC's investigation of this matter

is continuing, and TCCC reserves the right to supplement these responses as it deems necessary.

6.

TCCC objects to each of Opposer's Document Requests to the extent that the document request seeks documents containing information that is confidential or proprietary to TCCC. TCCC reserves the right to withhold otherwise responsive, discoverable, non-objectionable and non-privileged information until after entry of an appropriate protective order.

RESPONSES AND OBJECTIONS TO DOCUMENT REQUESTS

Subject to and without waiving any of the foregoing General Objections, TCCC responds as follows to Opposer's separately-numbered document requests:

REQUEST NO. 1:

All Documents supporting Applicant's denial of Request for Admission No. 4.

RESPONSE TO REQUEST NO. 1:

TCCC objects to Request No. 1 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 1 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also objects to Request No. 1 on the grounds that the request seeks

documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 1 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable, non-privileged documents that reflect the facts that form the basis for TCCC's response to Opposer's Request for Admission No. 4.

REQUEST NO. 2:

All Documents Concerning Applicant's claim that the ZERO portion of the mark COCA-COLA ZERO is inherently distinctive.

RESPONSE TO REQUEST NO. 2:

TCCC objects to Request No. 2 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 2 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also objects to Request No. 2 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 2 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable,

non-privileged documents that relate to the inherent distinctiveness of the word ZERO as used in TCCC's COCA-COLA ZERO mark.

REQUEST NO. 3:

All Documents supporting Applicant's denial of Request for Admission No. 5.

RESPONSE TO REQUEST NO. 3:

TCCC objects to Request No. 3 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 3 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also objects to Request No. 3 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 3 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable, non-privileged documents that reflect the facts that form the basis for TCCC's response to Opposer's Request for Admission No. 5.

REQUEST NO. 4:

All Documents Concerning Applicant's claim that the ZERO portion of the mark COKE ZERO is inherently distinctive.

RESPONSE TO REQUEST NO. 4:

TCCC objects to Request No. 4 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 4 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also objects to Request No. 4 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 4 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable, non-privileged documents that relate to the inherent distinctiveness of the word ZERO as used in TCCC's COKE ZERO mark.

REQUEST NO. 5:

All Documents supporting Applicant's denial of Request for Admission No. 6.

RESPONSE TO REQUEST NO. 5:

TCCC objects to Request No. 5 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 5 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also objects to Request No. 5 on the grounds that the request seeks

documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 5 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable, non-privileged documents that reflect the facts that form the basis for TCCC's response to Opposer's Request for Admission No. 6.

REQUEST NO. 6:

All Documents Concerning Applicant's claim that the ZERO portion of the mark SPRITE ZERO is inherently distinctive.

RESPONSE TO REQUEST NO. 6:

TCCC objects to Request No. 6 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 6 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also objects to Request No. 6 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 6 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable,

non-privileged documents that relate to the inherent distinctiveness of the word ZERO included in TCCC's SPRITE ZERO mark.

REQUEST NO. 7:

Documents or Things sufficient to show any nutritional facts appearing on packaging for products bearing Applicant's Marks.

RESPONSE TO REQUEST NO. 7:

TCCC objects to Request No. 7 on the grounds that it is vague, ambiguous and seeks documents that are confidential and proprietary to TCCC.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 7 that TCCC will produce, upon entry of and subject to an appropriate protective order, documents sufficient to show the nutritional facts that have appeared on the packaging for TCCC's COCA-COLA ZERO, COKE ZERO and SPRITE ZERO products.

REQUEST NO. 8:

All Documents Concerning consumer understanding or perception of the term ZERO when used in connection with beverages.

RESPONSE TO REQUEST NO. 8:

TCCC objects to Request No. 8 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 8 on the grounds that it seeks documents that are confidential and proprietary to TCCC.

TCCC also objects to Request No. 8 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 8 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable, non-privileged responsive documents in its possession, custody or control, if any exist, regarding consumer understanding of the term ZERO when used in connection with beverage products.

REQUEST NO. 9:

All Documents Concerning consumer recognition of the term ZERO as a source-identifying term.

RESPONSE TO REQUEST NO. 9:

TCCC objects to Request No. 9 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 9 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also objects to Request No. 9 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 9 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable, non-privileged responsive documents in its possession, custody or control regarding consumer recognition of the term ZERO as a source-identifying term.

REQUEST NO. 10:

All Documents supporting Applicant's denial of Request for Admission No. 34.

RESPONSE TO REQUEST NO. 10:

TCCC objects to Request No. 10 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 10 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also objects to Request No. 10 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 10 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable, non-privileged responsive documents that reflect the facts that form the basis for TCCC's response to Opposer's Request for Admission No. 34.

REQUEST NO. 11:

For each advertising media used (*e.g.*, print, television, radio, internet, outdoor, point-of-sale), representative samples of publicly-disseminated advertisements for products bearing each of Applicant's Marks.

RESPONSE TO REQUEST NO. 11:

TCCC objects to Request No. 11 on the grounds that it is vague and ambiguous.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 11 that TCCC will produce, upon entry of and subject to an appropriate protective order, examples of advertisements for TCCC's COCA-COLA ZERO, SPRITE ZERO and COKE ZERO products that have been publicly disseminated in the United States.

REQUEST NO. 12:

Documents sufficient to show each tagline or advertising slogan considered or used in connection with products bearing any of Applicant's Marks.

RESPONSE TO REQUEST NO. 12:

TCCC objects to Request No. 12 on the grounds that it is overbroad, unduly burdensome, vague and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 12 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also

objects to Request No. 12 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 12 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable, non-privileged responsive documents sufficient to show taglines or advertising slogans for TCCC's COCA-COLA ZERO, SPRITE ZERO and/or COKE ZERO products that have been used in the United States.

REQUEST NO. 13:

All press releases issued by or on behalf of Applicant Concerning products offered under or bearing any of Applicant's Marks.

RESPONSE TO REQUEST NO. 13:

TCCC objects to Request No. 13 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 13 that TCCC will produce, upon entry of and subject to an appropriate protective order, press releases issued by or on behalf of TCCC concerning TCCC's COCA-COLA ZERO, SPRITE ZERO and/or COKE ZERO products sold in the United States.

REQUEST NO. 14:

All Market Research Concerning any of Applicant's Marks.

RESPONSE TO REQUEST NO. 14:

TCCC objects to Request No. 14 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 14 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also objects to Request No. 14 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine and that are neither relevant to any issues in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 14 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable, non-privileged responsive documents in its possession, custody or control, if any exist, reflecting the results of marketing research in the United States regarding TCCC's COCA-COLA ZERO, SPRITE ZERO and/or COKE ZERO marks.

REQUEST NO. 15:

All Market Research Concerning consumer perception or recognition of any of Applicant's Marks.

RESPONSE TO REQUEST NO. 15:

TCCC objects to Request No. 15 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 15 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also objects to Request No. 15 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine. TCCC further objects to Request No. 15 on the grounds that it is duplicative of Request No. 14.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 15 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable, non-privileged responsive documents in its possession, custody or control, if any exist, reflecting the results of marketing research regarding consumer perception or recognition of TCCC's COCA-COLA ZERO, SPRITE ZERO and/or COKE ZERO marks in the United States.

REQUEST NO. 16:

All Market Research Concerning the term ZERO used in connection with beverages.

RESPONSE TO REQUEST NO. 16:

TCCC objects to Request No. 16 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 16 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also objects to Request No. 16 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine and that are neither relevant to any issues in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 16 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable, non-privileged documents in its possession, custody or control, if any exist, reflecting the results of marketing research regarding the use of the term ZERO in connection with beverages in the United States.

REQUEST NO. 17:

All Market Research Concerning consumer perception of the term ZERO used in connection with beverages.

RESPONSE TO REQUEST NO. 17:

TCCC objects to Request No. 17 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 17 on

the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also objects to Request No. 17 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine. TCCC further objects to Request No. 17 on the grounds that it is duplicative of Requests Nos. 8 and 16.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 17 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable, non-privileged responsive documents in its possession, custody or control, if any exist, reflecting the results of marketing research regarding consumer perception of the use of the term ZERO in connection with beverages in the United States.

REQUEST NO. 18:

All Market Research Concerning consumer recognition of the term ZERO as a source-identifying term.

RESPONSE TO REQUEST NO. 18:

TCCC objects to Request No. 18 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 18 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also objects to Request No. 18 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product

doctrine. TCCC further objects to Request No. 18 on the grounds that it is duplicative of Requests Nos. 9 and 16.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 18 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable, non-privileged responsive documents in its possession, custody or control, if any exist, reflecting the results of marketing research regarding consumer recognition of the term ZERO as a source-identifying term in the United States.

REQUEST NO. 19:

All Market Research Concerning consumer perception of any advertising for products bearing any of Applicant's Marks.

RESPONSE TO REQUEST NO. 19:

TCCC objects to Request No. 19 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 19 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also objects to Request No. 19 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine. TCCC further objects to Request No. 19 on the grounds that it is in part duplicative of Request No. 14.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 19 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable, non-privileged responsive documents in its possession, custody or control, if any exist, reflecting the results of marketing research regarding consumer perception of advertising for TCCC's products bearing TCCC's COCA-COLA ZERO, SPRITE ZERO and/or COKE ZERO marks in the United States.

REQUEST NO. 20:

All trademark searches conducted by or on behalf of Applicant for any of Applicant's Marks.

RESPONSE TO REQUEST NO. 20:

TCCC objects to Request No. 20 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 20 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also objects to Request No. 20 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine and that are neither relevant to any issues in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 21:

All trademark searches conducted by or on behalf of Applicant for the term ZERO.

RESPONSE TO REQUEST NO. 21:

TCCC objects to Request No. 21 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 21 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also objects to Request No. 21 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine and that are neither relevant to any issues in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 22:

All Documents and things Concerning third party use of the term ZERO in connection with the sale, marketing, advertising or marketing of any beverage.

RESPONSE TO REQUEST NO. 22:

TCCC objects to Request No. 22 on the grounds that it is overbroad, unduly burdensome, vague and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 22 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also

objects to Request No. 22 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 22 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable, non-privileged documents in its possession, custody or control, if any exist, that reflect the use by any party other than TCCC of the term ZERO as a trademark or as part of a trademark in connection with the sale, marketing, or advertising of any beverage products in the United States.

This 14th day of May, 2008.

KING & SPALDING LLP

Bruce W. Baber
Emily Bienko Brown

1180 Peachtree Street
Atlanta, Georgia 30309
(404) 572-4600

Attorneys for Applicant
THE COCA-COLA COMPANY

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing Applicant's Responses To Opposer's First Set Of Document Requests To Applicant in the above-captioned matter upon Opposer, by causing a true and correct copy thereof to be deposited in the United States Mail, postage prepaid, addressed to Opposer's counsel of record as follows:

Ms. Laura Popp-Rosenberg
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, New York 10017

This 14th day of May, 2008.

Bruce W. Baber

EXHIBIT 3

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

ROYAL CROWN COMPANY, INC.,	
RC,	Consolidated Proceedings:
- against -	Opposition No. 91178927
THE COCA-COLA COMPANY,	Opposition No. 91180771
TCCC.	Opposition No. 91180772
	Opposition No. 91183482
	Opposition No. 91185755
	Opposition No. 91186579

--and--

THE COCA-COLA COMPANY,	
RC,	Consolidated Proceedings:
- against -	Opposition No. 91184434
ROYAL CROWN COMPANY, INC.,	
TCCC.	

ROYAL CROWN'S SECOND SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS TO THE COCA-COLA COMPANY

Pursuant to 37 C.F.R. § 2.120 and Rules 26 and 34 of the Federal Rules of Civil Procedure, Royal Crown Company, Inc. hereby requests that The Coca-Cola Company respond to the following requests for the production of documents and things by providing written responses thereto within the time specified by the Trademark Rules of Practice and the Federal Rules of Civil Procedure and by producing the documents and things specified herein for inspection and copying at the offices of Royal Crown Company Inc.'s attorneys, Fross Zelnick Lehrman & Zissu P.C., at 866 United Nations Plaza, New York, New York 10017, Attn.: Laura

Popp-Rosenberg, simultaneously with the written responses or at another mutually agreed upon time and place.

DEFINITIONS AND INSTRUCTIONS

1. Except as otherwise set forth below, the Definitions and Instructions set forth or incorporated by reference in Opposer's First Set of Requests for the Production of Documents and Things to Applicant are incorporated as if fully set forth herein.

2. "RC" means Royal Crown Company, Inc.

3. "RC's Marks" means the marks of RC at issue in Opposition No. 91184434.

4. "TCCC" means The Coca-Cola Company and any company controlled by or affiliated with it; any division, parent, subsidiary, licensee, franchisee, successor, predecessor-in-interest, assign or other related business entity; and every officer, employee, agent, attorney or other person acting or purporting to act on its behalf or through whom it acts or has acted, and the predecessors or successors of any of them.

5. "TCCC's Marks" means the marks of TCCC at issue in Oppositions Nos. 91178927, 91180771, 91180772, 91183482, 91185755, and 91186579, and any other marks of TCCC including the term "zero" on which TCCC will rely in connection with these consolidated proceedings.

REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS

Request No. 23

All Documents requested to be identified in response to Royal Crown's Second Set of Interrogatories to The Coca-Cola Company.

Request No. 24

All Documents Concerning the development and selection of each of TCCC's Marks.

Request No. 25

Documents (including financial, accounting or corporate records) sufficient to establish TCCC's total sales in dollars and units, for each year (or portion thereof), of goods sold under each of TCCC's Marks, separately reported for each such mark.

Request No. 26

Representative samples of advertisements (regardless of media), circulars, catalogues, brochures, promotional materials and other marketing materials sufficient to show the manners in which TCCC has used each of TCCC's Marks.

Request No. 27

Documents (including financial, accounting or corporate records) sufficient to establish the amount of money spent by TCCC, for each year (or portion thereof), to advertise, market, promote or otherwise publicize each of TCCC's Marks or goods offered thereunder, separately reported for each such mark.

Request No. 28

Documents sufficient to identify how and when TCCC first became aware of RC's Marks.

Request No. 29

All Documents Concerning RC's use of RC's Marks or TCCC's awareness of RC's use of RC's Marks.

Request No. 30

All Documents Concerning any objection or opposition asserted by TCCC against a third party on the basis of TCCC's alleged rights in any of TCCC's Marks, including, but not limited to, all communications between TCCC and such third party.

Request No. 31

All Documents Concerning third party use of any mark consisting of or including the word or numeral "zero" in connection with beverages.

Request No. 32

Documents sufficient to identify (1) all lawsuits, oppositions, cancellation proceedings or other formal or informal legal proceedings (including but not limited to mediations and arbitrations) brought by TCCC against a third party arising out of a claim that a mark used, registered or sought to be registered by such third party was likely to cause confusion with any of TCCC's Marks; (2) the mark(s) at issue in each such action or proceeding; and (3) the status of each such action or proceeding.

Request No. 33

All Documents Concerning Agreements, including but not limited to licensing agreements, coexistence agreements, and settlement agreements, whether or not currently in force, with any Person Concerning the use or registration of (i) a mark consisting of or including the word or numeral "zero" in connection with beverages; or (ii) a mark that TCCC claims or claimed is or was likely to cause confusion with any of TCCC's Marks.

Request No. 34

All Documents concerning the similarity between either of RC's Marks and any of TCCC's Marks.

Request No. 35

All Documents Concerning any actual confusion arising from use of RC's Marks as to TCCC's sponsorship of, approval of, affiliation with, connection with, or association with RC or goods offered under RC's Marks.

Request No. 36

All Documents Concerning the allegations in Paragraph 6 of the Notice of Opposition in Opposition No. 91184434.

Request No. 37

All Documents Concerning the allegations in Paragraph 8 of the Notice of Opposition in Opposition No. 91184434.

Request No. 38

For each expert TCCC intends to call to provide testimony in the proceeding, (a) all written reports relating to the issue(s) on which the expert will testify; (b) a complete written statement of all opinions to be expressed by the expert, and the basis and reasons therefor; (c) all Documents reflecting the data or other information considered by the expert in forming his/her opinions, including but not limited to all Documents used to create any summaries or other extrapolations of information considered by the expert in forming his/her opinions; (d) all exhibits to be used by the expert in connection with his/her opinions and testimony; (e) Documents sufficient to set forth the qualifications of the expert; (f) a written list of all

publications authored by the expert within the last ten years; (g) a list of all other cases in which the expert has appeared or given testimony; and (h) all Documents showing the compensation to be paid for the expert's preparation time and testimony time.

Dated: New York, New York
February 13, 2009

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: _____
Barbara A. Solomon
Laura Popp-Rosenberg
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

Attorneys for Royal Crown Company, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of **Royal Crown's Second Set of Requests for the Production of Documents and Things to The Coca-Cola Company** to be deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to counsel for Applicant, Bruce Baber, Esq., King & Spalding LLP, 1185 Avenue of the Americas, New York, NY 10036-4003, this 13th day of February, 2009.

Laura Popp-Rosenberg

EXHIBIT 4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ROYAL CROWN COMPANY, INC.,	)	
	)	Consolidated Proceedings:
Opposer,	)	
	)	OPPOSITION NO. 91178927
v.	)	OPPOSITION NO. 91180771
	)	OPPOSITION NO. 91180772
THE COCA-COLA COMPANY,	)	OPPOSITION NO. 91183482
	)	OPPOSITION NO. 91185755
Applicant.	)	OPPOSITION NO. 91186579

-- and --

THE COCA-COLA COMPANY,	)	
	)	
Opposer,	)	
	)	
v.	)	
	)	OPPOSITION NO. 91184434
ROYAL CROWN COMPANY, INC.,	)	
	)	
Applicant.	)	

RESPONSES OF THE COCA-COLA COMPANY
TO ROYAL CROWN'S SECOND SET OF REQUESTS
FOR THE PRODUCTION OF DOCUMENTS AND THINGS

The Coca-Cola Company ("TCCC"), by and through its undersigned counsel and in accordance with Rule 34 of the Federal Rules of Civil Procedure and Rules 2.116 and 2.120 of the Trademark Rules of Practice, hereby responds as follows to "Royal Crown's Second Set Of Requests For The Production Of Documents And Things To The Coca-Cola Company" ("RC's Second Document Requests"), served by Royal Crown Company, Inc. ("RC") on February 13, 2009.

GENERAL OBJECTIONS

1.

TCCC objects to RC's Second Document Requests, and the "Definitions and Instructions" contained therein, as well as those incorporated by reference therein, as set forth in Royal Crown's First Set of Requests for the Production of Documents and Things ("RC's First Document Requests"), including without limitation the purported definitions and instructions relating to the time and place of production, privilege, and the scope of knowledge or information in the possession of TCCC, on the grounds that such purported definitions and instructions are overbroad, seek documents containing redundant and irrelevant information that is neither relevant to the issues in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence, seek to impose on TCCC obligations greater than or different from those imposed under the Federal Rules of Civil Procedure and the Trademark Rules of Practice, and seek documents and information subject to the attorney-client privilege, subject to the work product doctrine, or otherwise protected from discovery. In responding to RC's Second Document Requests, TCCC shall respond in accordance with the applicable provisions of the Federal Rules of Civil Procedure and the Trademark Rules of Practice.

2.

TCCC objects to RC's Second Document Requests to the extent that they are duplicative or cumulative of each other or prior discovery requests served by RC. When discovery requests are duplicative or cumulative, TCCC will respond to the first such discovery request, and incorporate that response in its responses to the later discovery requests.

3.

TCCC objects to RC's Second Document Requests to the extent that they seek documents not within TCCC's possession, custody, or control, or that are as easily available to RC as to TCCC.

4.

TCCC objects to RC's definition of "TCCC" to the extent that it purports to include attorneys and other persons not employed by TCCC. In responding to RC's Second Document Requests, TCCC will respond on behalf of The Coca-Cola Company.

5.

TCCC objects to each of RC's Second Document Requests to the extent that they seek "all" documents. TCCC has conducted a reasonable investigation and search with respect to the documents responsive to RC's Second Document Requests. To the extent RC's Second Document Requests seek to impose a greater burden on TCCC, they are unduly burdensome, overbroad, and not reasonably calculated to lead to the discovery of admissible evidence. TCCC's investigation of this matter is continuing, and TCCC reserves the right to supplement these responses as it deems necessary.

6.

TCCC objects to each of RC's Second Document Requests to the extent that the document request seeks documents containing information that is confidential or proprietary to TCCC.

OBJECTIONS AND RESPONSES TO DOCUMENT REQUESTS

Subject to and without waiving any of the foregoing general objections, TCCC responds as follows to RC's separately-numbered document requests:

REQUEST NO. 23:

All Documents requested to be identified in response to Royal Crown's Second Set of Interrogatories to The Coca-Cola Company.

RESPONSE TO REQUEST NO. 23:

TCCC objects to Request No. 23 on the grounds that the request is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 23 on the grounds that the request seeks documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 23 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 23 that TCCC will produce, subject to the protective order and following service of TCCC's responses to Royal Crown's Second Set of Interrogatories to The Coca-Cola Company, any non-objectionable, non-privileged documents that TCCC identifies in its responses.

REQUEST NO. 24:

All Documents Concerning the development and selection of each of TCCC's Marks.

RESPONSE TO REQUEST NO. 24:

TCCC objects to Request No. 24 on the grounds that the request is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 24 on the

grounds that the request seeks documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 24 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 24 that TCCC will produce, subject to the protective order, non-objectionable, non-privileged documents that relate to TCCC's selection and adoption of TCCC's Marks for use in the United States.

REQUEST NO. 25:

Documents (including financial, accounting or corporate records) sufficient to establish TCCC's total sales in dollars and units, for each year (or portion thereof), of goods sold under each of TCCC's Marks, separately reported for each such mark.

RESPONSE TO REQUEST NO. 25:

TCCC objects to Request No. 25 on the grounds that the request is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 25 on the grounds that the request seeks documents that contain information that is confidential and proprietary to TCCC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 25 that TCCC will produce to RC's counsel, subject to the protective order, non-objectionable, non-privileged documents sufficient to show the annual sales in the United States of products bearing TCCC's Marks, to the extent and in the form such information is available to TCCC.

REQUEST NO. 26:

Representative samples of advertisements (regardless of media), circulars, catalogues, brochures, promotional materials and other marketing materials sufficient to show the manners in which TCCC has used each of TCCC's Marks.

RESPONSE TO REQUEST NO. 26:

TCCC objects to Request No. 26 on the grounds that the request is vague and ambiguous.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 26 that TCCC will produce representative samples of advertisements, circulars, catalogues, brochures, promotional materials and marketing materials that have been used in the United States to advertise or promote the sale of products bearing TCCC's Marks.

REQUEST NO. 27:

Documents (including financial, accounting or corporate records) sufficient to establish the amount of money spent by TCCC, for each year (or portion thereof), to advertise, market, promote or otherwise publicize each of TCCC's Marks or goods offered thereunder, separately reported for each such mark.

RESPONSE TO REQUEST NO. 27:

TCCC objects to Request No. 27 on the grounds that the request is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 27 on the grounds that the request seeks documents that contain information that is confidential and proprietary to TCCC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 27 that TCCC advertises, markets, promotes and publicizes products bearing TCCC's Marks, not TCCC's Marks in and of

themselves. TCCC further states in response to Request No. 27 that TCCC will produce to RC's counsel, subject to the protective order, non-objectionable, non-privileged documents that reflect the amounts of money spent by TCCC on advertising, marketing, promoting or publicizing products bearing TCCC's Marks in the United States.

REQUEST NO. 28:

Documents sufficient to identify how and when TCCC first became aware of RC's Marks.

RESPONSE TO REQUEST NO. 28:

TCCC objects to Request No. 28 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 28 on the grounds that the request seeks documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 28 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 28 that TCCC will produce, subject to the protective order, non-objectionable, non-privileged documents in its possession, custody or control sufficient to identify how and when TCCC first became aware of RC's Marks, if any exist.

REQUEST NO. 29:

All Documents Concerning RC's use of RC's Marks or TCCC's awareness of RC's use of RC's Marks.

RESPONSE TO REQUEST NO. 29:

TCCC objects to Request No. 29 on the grounds that the request is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 29 on the grounds that the request seeks documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 29 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine. TCCC further objects to Request No. 29 on the grounds that the request is, in part, duplicative of Request No. 28.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 29 that TCCC will produce, subject to the protective order, non-objectionable, non-privileged documents that relate to RC's use of RC's Marks or TCCC's awareness of RC's use of RC's Marks, if any exist.

REQUEST NO. 30:

All Documents Concerning any objection or opposition asserted by TCCC against a third party on the basis of TCCC's alleged rights in any of TCCC's Marks, including, but not limited to, all communications between TCCC and such third party.

RESPONSE TO REQUEST NO. 30:

TCCC objects to Request No. 30 on the grounds that the request is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 30 on the grounds that the request seeks documents and communications that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 30 on the grounds that the request seeks, in part, documents that are subject to the

attorney-client privilege and/or work product doctrine. TCCC further objects to Request No. 30 on the grounds that the request seeks, in part, documents that are as easily available to RC as to TCCC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 30 that TCCC will produce non-objectionable, non-privileged documents that relate to objections or oppositions asserted by TCCC against a third party on the basis of TCCC's rights in and to TCCC's Marks in the United States.

REQUEST NO. 31:

All Documents Concerning third party use of any mark consisting of or including the word or numeral "zero" in connection with beverages.

RESPONSE TO REQUEST NO. 31:

TCCC objects to Request No. 31 on the grounds that the request is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 31 on the grounds that the request seeks documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 31 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 31 that TCCC will produce non-objectionable, non-privileged documents that relate to use in the United States by

parties other than TCCC and RC of a mark for beverage products that consists of or includes the word "zero" or the number "0."

REQUEST NO. 32:

Documents sufficient to identify (1) all lawsuits, oppositions, cancellation proceedings or other formal or informal legal proceedings (including but not limited to mediations and arbitrations) brought by TCCC against a third party arising out of a claim that a mark used, registered or sought to be registered by such third party was likely to cause confusion with any of TCCC's Marks; (2) the mark(s) at issue in each such action or proceeding; and (3) the status of each such action or proceeding.

RESPONSE TO REQUEST NO. 32:

TCCC objects to Request No. 32 on the grounds that the request is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 32 on the grounds that the request seeks documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 32 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine. TCCC further objects to Request No. 32 on the grounds that the request is, in part, duplicative of Request No. 30. TCCC also objects to Request No. 32 on the grounds that the request seeks documents that are as easily available to RC as to TCCC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 32 that TCCC will produce non-objectionable, non-privileged documents that relate to legal proceedings brought by TCCC in the United States against a third party on the grounds of likelihood of confusion with any of TCCC's Marks, if any exist.

REQUEST NO. 33:

All Documents Concerning Agreements, including but not limited to licensing agreements, coexistence agreements, and settlement agreements, whether or not currently in force, with any Person Concerning the use or registration of (i) a mark consisting of or including the word or numeral "zero" in connection with beverages; or (ii) a mark that TCCC claims or claimed is or was likely to cause confusion with any of TCCC's Marks.

RESPONSE TO REQUEST NO. 33:

TCCC objects to Request No. 33 on the grounds that the request is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 33 on the grounds that the request seeks documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 33 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 33 that TCCC will produce, subject to the protective order, non-objectionable, non-privileged documents that relate to agreements between TCCC and a third party regarding the use or registration in the United States of a mark that consists of or includes the word "zero" or the number "0" in connection with beverages or that is likely to cause confusion with TCCC's Marks, if any exist.

REQUEST NO. 34:

All Documents concerning the similarity between either of RC's Marks and any of TCCC's Marks.

RESPONSE TO REQUEST NO. 34:

TCCC objects to Request No. 34 on the grounds that the request is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 34 on the grounds that the request seeks documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 34 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine. TCCC further objects to Request No. 34 on the grounds that the request is duplicative of other discovery requests served by RC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 34 that TCCC will produce non-objectionable, non-privileged documents in its possession, custody or control that relate to the similarity between either of RC's Marks and any of TCCC's Marks.

REQUEST NO. 35:

All Documents Concerning any actual confusion arising from use of RC's Marks as to TCCC's sponsorship of, approval of, affiliation with, connection with, or association with RC or goods offered under RC's Marks.

RESPONSE TO REQUEST NO. 35:

TCCC objects to Request No. 35 on the grounds that the request is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 35 on the grounds that the request seeks documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 35 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 35 that TCCC will produce non-objectionable, non-privileged documents that relate to any instance of actual confusion as to TCCC's sponsorship of, approval of, affiliation with, connection with, or association with RC or products bearing RC's Marks that has arisen from RC's use of RC's Marks in the United States, if any exist.

REQUEST NO. 36:

All documents Concerning the allegations in Paragraph 6 of the Notice of Opposition in Opposition No. 91184434.

RESPONSE TO REQUEST NO. 36:

TCCC objects to Request No. 36 on the grounds that the request is premature and improper, as a party need not, in advance of trial, specify in detail the evidence it intends to present. *See* TBMP § 414(7). TCCC further objects to Request No. 36 on the grounds that it is beyond the scope of discovery, and seeks to impose on TCCC discovery obligations greater than or different from those imposed under the Federal Rules of Civil Procedure, Trademark Rules of Practice, or TBMP. TCCC also objects to Request No. 36 on the grounds that the request is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 36 on the grounds that the requests seeks documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 36 on the grounds that the requests seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 36 that TCCC will comply with the Federal Rules of Evidence, Trademark Rules of Practice, and TBMP and will produce documents that support the allegations in paragraph 6 of TCCC's Opposition when required to do so by the above-referenced rules. TCCC further states in response to Request No. 36 that some of the documents that TCCC has produced in response to RC's prior discovery requests and that TCCC will produce in response to RC's Second Document Requests may support the allegations in paragraph 6 of TCCC's Opposition. TCCC further states in response to Request No. 36 that TCCC may also rely upon any and all of the documents TCCC has produced to RC or will produce to RC in response to RC's Second Document Requests as well as any documents produced by RC to support the allegations in paragraph 6 of TCCC's Opposition.

REQUEST NO. 37:

All Documents Concerning the allegations in Paragraph 8 of the Notice of Opposition in Opposition No. 91184434.

RESPONSE TO REQUEST NO. 37:

TCCC objects to Request No. 37 on the grounds that the request is premature and improper, as a party need not, in advance of trial, specify in detail the evidence it intends to present. *See* TBMP § 414(7). TCCC further objects to Request No. 37 on the grounds that it is beyond the scope of discovery, and seeks to impose on TCCC discovery obligations greater than or different from those imposed under the Federal Rules of Civil Procedure, Trademark Rules of Practice, or TBMP. TCCC also objects to Request No. 37 on the grounds that the request is overbroad, unduly burdensome,

vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 37 on the grounds that the requests seeks documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 37 on the grounds that the requests seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 37 that TCCC will comply with the Federal Rules of Evidence, Trademark Rules of Practice, and TBMP and will produce documents that support the allegations in paragraph 8 of TCCC's Opposition when required to do so by the above-referenced rules. TCCC further states in response to Request No. 37 that some of the documents that TCCC has produced in response to RC's prior discovery requests and that TCCC will produce in response to RC's Second Document Requests may support the allegations in paragraph 8 of TCCC's Opposition. TCCC further states in response to Request No. 37 that TCCC may also rely upon any and all of the documents TCCC has produced to RC or will produce to RC in response to RC's Second Document Requests as well as any documents produced by RC to support the allegations in paragraph 8 of TCCC's Opposition.

REQUEST NO. 38:

For each expert TCCC intends to call to provide testimony in the proceeding, (a) all written reports relating to the issue(s) on which the expert will testify; (b) a complete written statement of all opinions to be expressed by the expert, and the basis and reasons therefore; (c) all Documents reflecting the data or other information considered by the expert in forming his/her opinions, including but not limited to all Documents used to create any summaries or other extrapolations of information considered by the expert in forming his/her opinions; (c) all exhibits to be used by the expert in connection with his/her opinions and testimony; (e) Documents sufficient to set forth the qualifications of the expert; (f) a written list of all publications authored by the

expert within the last ten years; (g) a list of all other cases in which the expert has appeared or given testimony; and (h) all Documents showing the compensation to be paid for the expert's preparation time and testimony time.

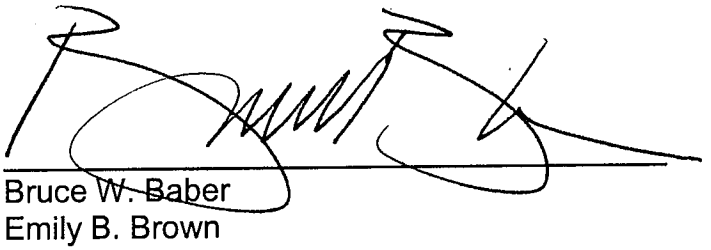
RESPONSE TO REQUEST NO. 38:

TCCC objects to Request No. 38 on the grounds that the request is premature and improper, as a party need not, in advance of trial, specify in detail the evidence it intends to present. *See* TBMP § 414(7). TCCC further objects to Request No. 38 on the grounds that it is beyond the scope of discovery, and seeks to impose on TCCC discovery obligations greater than or different from those imposed under the Federal Rules of Civil Procedure, Trademark Rules of Practice, or TBMP. TCCC also objects to Request No. 38 on the grounds that the request is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 38 on the grounds that the requests seeks documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 38 on the grounds that the requests seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 38 that TCCC will comply with the Federal Rules of Evidence, Trademark Rules of Practice, and TBMP and will produce documents that relate to each expert TCCC intends to call to provide testimony in this proceeding when required to do so by the above-referenced rules. TCC further states in response to Request No. 38 that TCCC has produced to RC all reports prepared to date by Alex Simonson, Ph.D., an expert TCCC may call in these proceedings.

This 20th day of March, 2009.

KING & SPALDING LLP



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Atlanta, Georgia 30309
Telephone: 404-572-4600
Facsimile: 404-572-5134

Attorneys for Applicant and Opposer
THE COCA-COLA COMPANY

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing The Coca-Cola Company's Responses To Royal Crown's Second Set Of Requests For The Production Of Documents And Things upon Royal Crown Company, Inc., by causing a true and correct copy thereof to be deposited in the United States Mail, postage prepaid, addressed to counsel of record for Royal Crown Company, Inc. as follows:

Ms. Barbara A. Solomon
Ms. Laura Popp-Rosenberg
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, New York 10017

This 20th day of March, 2009.

Bruce W. Baber

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ROYAL CROWN COMPANY, INC.,	)	
	)	Consolidated Proceedings:
	)	
Opposer,	)	OPPOSITION NO. 91178927
	)	OPPOSITION NO. 91180771
v.	)	OPPOSITION NO. 91180772
	)	OPPOSITION NO. 91183482
	)	OPPOSITION NO. 91185755
THE COCA-COLA COMPANY,	)	OPPOSITION NO. 91186579
	)	OPPOSITION NO. 91189847
	)	OPPOSITION NO. 91190658
Applicant.	)	

-- and --

THE COCA-COLA COMPANY,	)	
	)	
Opposer,	)	
	)	
v.	)	OPPOSITION NO. 91184434
	)	
ROYAL CROWN COMPANY, INC.,	)	
	)	
Applicant.	)	

SUPPLEMENTAL RESPONSES OF THE COCA-COLA COMPANY
TO ROYAL CROWN'S SECOND SET OF REQUESTS
FOR THE PRODUCTION OF DOCUMENTS AND THINGS

The Coca-Cola Company ("TCCC"), by and through its undersigned counsel and in accordance with Rule 34 of the Federal Rules of Civil Procedure, Rules 2.116 and 2.120 of the Trademark Rules of Practice and the Board's November 13, 2009 Order,

hereby supplements as follows its responses to "Royal Crown's Second Set Of Requests For The Production Of Documents And Things To The Coca-Cola Company" ("RC's Document Requests"), served by Royal Crown Company, Inc. ("RC") on February 13, 2009.

GENERAL OBJECTIONS

TCCC hereby incorporates by reference TCCC's General Objections to RC's Document Requests, as stated in TCCC's "Responses Of The Coca-Cola Company To Royal Crown's Second Set Of Requests For Production Of Documents and Things," served on March 20, 2009.

SUPPLEMENTAL RESPONSES AND OBJECTIONS TO DOCUMENT REQUESTS

Subject to and without waiving any of the foregoing general objections, TCCC supplements as follows its responses to Royal Crown's separately-numbered document requests:

REQUEST NO. 26:

Representative samples of advertisements (regardless of media), circulars, catalogues, brochures, promotional materials and other marketing materials sufficient to show the manners in which TCCC has used each of TCCC's Marks.

RESPONSE TO REQUEST NO. 26:

TCCC objects to Request No. 26 on the grounds that the request is vague and ambiguous.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 26 that TCCC will produce representative samples of advertisements, circulars, catalogues, brochures, promotional materials and marketing materials that have been used in the United States to advertise or promote the sale of products bearing TCCC's Marks.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 26:

In further response to Request No. 26, TCCC states that TCCC has not engaged in any advertising or marketing in the United States to promote the sale of products bearing TCCC's FULL THROTTLE ZERO mark and that, as a result, TCCC is not aware, as of the date of these responses, of any documents in TCCC's possession, custody or control that are responsive to Request No. 26 to the extent Request No. 26 relates to FULL THROTTLE ZERO. TCCC further states in response to Request No. 26 that TCCC is not aware, as of the date of these responses, of any documents in TCCC's possession, custody or control that are responsive to Request No. 26 to the extent Request No. 26 relates to those of TCCC's ZERO Marks that have not yet been used on products in the United States, namely, COKE ZERO BOLD and COKE ZERO ENERGY.

REQUEST NO. 29:

All Documents Concerning RC's use of RC's Marks or TCCC's awareness of RC's use of RC's Marks.

RESPONSE TO REQUEST NO. 29:

TCCC objects to Request No. 29 on the grounds that the request is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 29 on the grounds that the request seeks documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 29 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine. TCCC further objects to Request No. 29 on the grounds that the request is, in part, duplicative of Request No. 28.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 29 that TCCC will produce, subject to the protective order, non-objectionable, non-privileged documents that relate to RC's use of RC's Marks or TCCC's awareness of RC's use of RC's Marks, if any exist.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 29:

In further response to Request No. 29, TCCC states that TCCC is not aware, as of the date of these responses, of any additional non-privileged documents in TCCC's possession, custody or control that are responsive to Request No. 29. TCCC also states in response to Request No. 29 that TCCC has identified all responsive privileged documents on TCCC's privilege log for these proceedings, which TCCC is producing to RC concurrently herewith.

REQUEST NO. 30:

All Documents Concerning any objection or opposition asserted by TCCC against a third party on the basis of TCCC's alleged rights in any of TCCC's Marks, including, but not limited to, all communications between TCCC and such third party.

RESPONSE TO REQUEST NO. 30:

TCCC objects to Request No. 30 on the grounds that the request is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 30 on the grounds that the request seeks documents and communications that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 30 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine. TCCC further objects to Request No. 30 on the grounds that the request seeks, in part, documents that are as easily available to RC as to TCCC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 30 that TCCC will produce non-objectionable, non-privileged documents that relate to objections or oppositions asserted by TCCC against a third party on the basis of TCCC's rights in and to TCCC's Marks in the United States.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 30:

In further response to Request No. 30, TCCC states that TCCC is producing to RC concurrently herewith non-objectionable, non-privileged documents that relate to objections or oppositions asserted by TCCC against a third party on the basis of

TCCC's rights in and to TCCC's ZERO Marks in the United States. TCCC also states in response to Request No. 30 that the responsive documents bear the following production numbers: TCCC003066 through TCCC003453.

REQUEST NO. 31:

All Documents Concerning third party use of any mark consisting of or including the word or numeral "zero" in connection with beverages.

RESPONSE TO REQUEST NO. 31:

TCCC objects to Request No. 31 on the grounds that the request is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 31 on the grounds that the request seeks documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 31 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 31 that TCCC will produce non-objectionable, non-privileged documents that relate to use in the United States by parties other than TCCC and RC of a mark for beverage products that consists of or includes the word "zero" or the number "0."

SUPPLEMENTAL RESPONSE TO REQUEST NO. 31:

In further response to Request No. 31, TCCC states that TCCC is not aware, as of the date of these responses, of any additional non-privileged documents in TCCC's

possession, custody or control that are responsive to Request No. 31. TCCC also states in response to Request No. 31 that TCCC has identified all responsive privileged documents on TCCC's privilege log for these proceedings, which TCCC is producing to RC concurrently herewith.

REQUEST NO. 32:

Documents sufficient to identify (1) all lawsuits, oppositions, cancellation proceedings or other formal or informal legal proceedings (including but not limited to mediations and arbitrations) brought by TCCC against a third party arising out of a claim that a mark used, registered or sought to be registered by such third party was likely to cause confusion with any of TCCC's Marks; (2) the mark(s) at issue in each such action or proceeding; and (3) the status of each such action or proceeding.

RESPONSE TO REQUEST NO. 32:

TCCC objects to Request No. 32 on the grounds that the request is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 32 on the grounds that the request seeks documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 32 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine. TCCC further objects to Request No. 32 on the grounds that the request is, in part, duplicative of Request No. 30. TCCC also objects to Request No. 32 on the grounds that the request seeks documents that are as easily available to RC as to TCCC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 32 that TCCC will produce

non-objectionable, non-privileged documents that relate to legal proceedings brought by TCCC in the United States against a third party on the grounds of likelihood of confusion with any of TCCC's Marks, if any exist.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 32:

In further response to Request No. 32, TCCC states that it is producing to RC concurrently herewith a document that contains the information requested in Request No. 32. TCCC also states in response to Request No 32 that the document bears production number TCCC003065.

This 14th day of December, 2009.

KING & SPALDING LLP

Bruce W. Baber
Emily B. Brown

1180 Peachtree Street
Atlanta, Georgia 30309
Telephone: 404-572-4600
Facsimile: 404-572-5134

Attorneys for Applicant and Opposer
THE COCA-COLA COMPANY

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing Supplemental Responses Of The Coca-Cola Company To Royal Crown's Second Set Of Requests For The Production Of Documents And Things in the above-captioned matter upon Royal Crown, by causing a true and correct copy thereof to be deposited in the United States Mail, postage prepaid, addressed to Royal Crown's counsel of record as follows:

Ms. Barbara A. Solomon
Ms. Laura Popp-Rosenberg
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, New York 10017

This 14th day of December, 2009.

Emily B. Brown

EXHIBIT 5

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

ROYAL CROWN COMPANY, INC.,	
Opposer,	Consolidated Proceedings:
- against -	Opposition No. 91178927
	Opposition No. 91180771
THE COCA-COLA COMPANY,	Opposition No. 91180772
	Opposition No. 91183482
Applicant.	Opposition No. 91185755
	Opposition No. 91186579

--and--

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

ROYAL CROWN'S THIRD SET OF REQUESTS FOR THE
PRODUCTION OF DOCUMENTS AND THINGS TO THE COCA-COLA COMPANY

Pursuant to 37 C.F.R. § 2.120 and Rules 26 and 34 of the Federal Rules of Civil Procedure, Royal Crown Company, Inc. hereby requests that The Coca-Cola Company respond to the following requests for the production of documents and things by providing written responses thereto within the time specified by the Trademark Rules of Practice and the Federal Rules of Civil Procedure and by producing the documents and things specified herein for inspection and copying at the offices of Royal Crown Company Inc.'s attorneys, Fross Zelnick Lehrman & Zissu P.C., at 866 United Nations Plaza, New York, New York 10017, Attn.: Laura

Popp-Rosenberg, simultaneously with the written responses or at another mutually agreed upon time and place.

DEFINITIONS AND INSTRUCTIONS

1. Except as otherwise set forth below, the Definitions and Instructions set forth or incorporated by reference in Opposer's Second Set of Requests for the Production of Documents and Things to Applicant are incorporated as if fully set forth herein.

2. "TCCC's Marks" means the marks of TCCC at issue in Consolidated Oppositions Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658, and any other marks of TCCC including the term "zero" on which TCCC will rely in connection with these consolidated proceedings.

3. "TCCC Products at Issue" mean products offered under any of TCCC's Marks.

4. "Other TCCC Products" means products of TCCC other than the TCCC Products at Issue.

REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS

Request No. 39

One copy of each different advertisement bearing one or more of TCCC's Marks and one or more of the following phrases: "zero calorie," "zero calories," "zero sugar," "zero fat," "zero carbohydrates," "0 calorie," "0 calories," "0 sugar," "0 fat," and/or "0 carbohydrates."

Request No. 40

One copy of each different advertisement used in the last five years for TCCC's Other Products that bear one or more of the following phrases: "zero calorie," "zero calories," "zero

sugar," "zero fat," "zero carbohydrates," "0 calorie," "0 calories," "0 sugar," "0 fat," and/or "0 carbohydrates."

Request No. 41

All press releases Concerning the TCCC Products at Issue.

Request No. 42

All press releases Concerning the product(s) offered or to be offered under the mark VITAMINWATER ZERO.

Request No. 43

Documents Concerning the characteristics of the product(s) offered or to be offered under the mark VITAMINWATER ZERO.

Request No. 44

Documents Concerning the market positioning of the product(s) offered or to be offered under the mark VITAMINWATER ZERO.

Request No. 45

Documents sufficient to evidence the calorie, sugar, carbohydrate or fat content of each product offered or to be offered under the mark VITAMINWATER ZERO.

Request No. 46

For each advertising media used or planned to be used (*e.g.*, print, television, radio, internet, outdoor, point-of-sale), representative samples of publicly-disseminated or planned advertisements for product(s) offered or to be offered under the mark VITAMINWATER ZERO.

Request No. 47

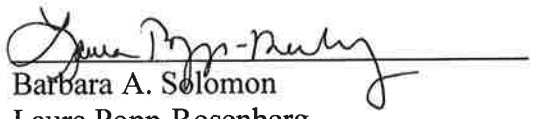
A copy of all decisions, whether final or provisional, of any court or legal tribunal (including but not limited to administrative boards and arbitral panels), anywhere in the world, finding one of more of TCCC's Marks to be descriptive or generic or otherwise incapable of functioning as a trademark.

Request No. 48

Documents and things (including but not limited to media articles, recorded video or audio, and printouts from the Internet) in which the media, consumers or competitors have used "zero" to refer to a category of beverages and/or one or more characteristics of beverages.

Dated: New York, New York
January 14, 2010

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: 

Barbara A. Solomon
Laura Popp-Rosenberg
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

Attorneys for Royal Crown Company, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of **Royal Crown's Second Set of Requests for the Production of Documents and Things to The Coca-Cola Company** to be deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to counsel for Applicant, Bruce Baber, Esq., King & Spalding LLP, 1185 Avenue of the Americas, New York, NY 10036-4003, this 14th day of January, 2010.

Laura Popp-Rosenberg

EXHIBIT 6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ROYAL CROWN COMPANY, INC.,	)	
	)	Consolidated Proceedings:
	)	
Opposer,	)	OPPOSITION NO. 91178927
	)	OPPOSITION NO. 91180771
v.	)	OPPOSITION NO. 91180772
	)	OPPOSITION NO. 91183482
	)	OPPOSITION NO. 91185755
THE COCA-COLA COMPANY,	)	OPPOSITION NO. 91186579
	)	OPPOSITION NO. 91189847
	)	OPPOSITION NO. 91190658
Applicant.	)	

-- and --

THE COCA-COLA COMPANY,	)	
	)	
Opposer,	)	
	)	
v.	)	OPPOSITION NO. 91184434
	)	
ROYAL CROWN COMPANY, INC.,	)	
	)	
Applicant.	)	

RESPONSES OF THE COCA-COLA COMPANY
TO ROYAL CROWN'S THIRD SET OF REQUESTS
FOR THE PRODUCTION OF DOCUMENTS AND THINGS

The Coca-Cola Company ("TCCC"), by and through its undersigned counsel and in accordance with Rule 34 of the Federal Rules of Civil Procedure and Rules 2.116 and 2.120 of the Trademark Rules of Practice, hereby responds as follows to "Royal

Crown's Third Set Of Requests For The Production Of Documents And Things To The Coca-Cola Company" ("RC's Third Document Requests"), served by Royal Crown Company, Inc. ("RC") on January 14, 2010.

GENERAL OBJECTIONS

1.

TCCC hereby incorporates by reference TCCC's General Objections to RC's Second Document Requests, as stated in TCCC's "Responses Of The Coca-Cola Company To Royal Crown's Second Set Of Requests For Production Of Documents and Things," served on March 20, 2009, to the extent that the "Definitions and Instructions" contained in RC's Third Document Requests incorporate by reference the Definitions and Instructions contained in RC's Second Document Requests.

2.

TCCC objects to RC's definition of "TCCC Products at Issue" to the extent that it purports to include products that do not bear one of TCCC's ZERO Marks. In responding to RC's Third Document Requests, any use by TCCC of "TCCC Products at Issue" will only refer to TCCC's products that bear one of TCCC's ZERO Marks.

3.

TCCC objects to RC's definition of "Other TCCC Products" to the extent that it includes TCCC products that do not bear one of TCCC's ZERO Marks and products that are not at issue in these proceedings. In responding to RC's Third Document Requests, TCCC will not produce documents relating to "Other TCCC Products" where

such requests are not in accordance with the Federal Rules of Evidence, Trademark Rules of Practice, and TBMP.

RESPONSES AND OBJECTIONS TO DOCUMENT REQUESTS

Subject to and without waiving any of the foregoing general objections, TCCC responds as follows to RC's separately-numbered document requests:

REQUEST NO. 39:

One copy of each different advertisement bearing one or more of TCCC's Marks and one or more of the following phrases: "zero calorie," "zero calories," "zero sugar," "zero fat," "zero carbohydrates," "0 calorie," "0 calories," "0 sugar," "0 fat," and/or "0 carbohydrates."

RESPONSE TO REQUEST NO. 39:

TCCC objects to Request No. 39 on the grounds that the request is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 39 on the grounds that the request seeks, in part, documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 39 on the grounds that the request is, in part, duplicative of other discovery requests served by RC. TCCC also objects to Request No. 39 on the grounds that the request is not limited in geographic scope.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 39 that counsel for TCCC has already produced to Royal Crown's counsel documents that include one or more of TCCC's ZERO Marks and one or more of the phrases listed in Request No. 39. TCCC further

states in response to Request No. 39 that TCCC will produce representative samples of additional advertisements in its possession, custody or control that have been used in the United States and that contain one or more of TCCC's ZERO Marks and that use one or more of the phrases listed in Request No. 39 as descriptive phrases or other than in the nutritional information.

REQUEST NO. 40:

One copy of each different advertisement used in the last five years for TCCC's Other Products that bear one or more of the following phrases: "zero calorie," "zero calories," "zero sugar," "zero fat," "zero carbohydrates," "0 calorie," "0 calories," "0 sugar," "0 fat," and/or "0 carbohydrates."

RESPONSE TO REQUEST NO. 40:

TCCC objects to Request No. 40 on the grounds that the request is improper, as a party need not provide discovery with respect to those of its marks and goods and/or services that are not involved in the proceeding. TCCC further objects to Request No. 40 on the grounds that the request is beyond the scope of discovery, and seeks to impose on TCCC discovery obligations greater than or different from those imposed under the Federal Rules of Civil Procedure, Trademark Rules of Practice, or TBMP. TCCC also objects to Request No. 40 on the grounds that the request is overbroad, unduly burdensome, vague, ambiguous, and seeks documents that are not relevant to any issue in these proceedings and are not reasonably calculated to lead to the discovery of admissible evidence. TCCC also objects to Request No. 40 on the grounds that the request is not limited in geographic scope.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 40 that TCCC will produce representative samples of advertisements for any of TCCC's "Other Products" that have been used in the United States in the last two years and that use one or more of the phrases listed in Request No. 40 as descriptive phrases or other than in the nutritional information, if any exist.

REQUEST NO. 41:

All press releases Concerning the TCCC Products at Issue.

RESPONSE TO REQUEST NO. 41:

TCCC objects to Request No. 41 on the grounds that the request is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 41 on the grounds that the request seeks, in part, documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 41 on the grounds that the request is, in part, duplicative of other discovery requests served by RC. TCCC further objects to Request No. 41 on the grounds that the request does not specify a time frame or a geographical scope. TCCC also objects to Request No. 41 on the grounds that the request seeks documents that are as easily available to RC as to TCCC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 41 that counsel for TCCC has already produced to Royal Crown's counsel press releases concerning products bearing TCCC's ZERO Marks. TCCC further states in response to Request No. 41 that TCCC

will produce additional press releases for TCCC products bearing any of TCCC's ZERO Marks that have been released publicly in the United States, if any exist.

REQUEST NO. 42:

All press releases Concerning the product(s) offered or to be offered under the mark VITAMINWATER ZERO.

RESPONSE TO REQUEST NO. 42:

TCCC objects to Request No. 42 on the grounds that the request is improper, as a party need not provide discovery with respect to those of its marks and goods and/or services that are not involved in the proceeding. TCCC further objects to Request No. 42 on the grounds that the request is beyond the scope of discovery, and seeks to impose on TCCC discovery obligations greater than or different from those imposed under the Federal Rules of Civil Procedure, Trademark Rules of Practice, or TBMP. TCCC also objects to Request No. 42 on the grounds that the request is overbroad, unduly burdensome, vague, ambiguous, and seeks documents that are not relevant to any issue in these proceedings and are not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 42 on the grounds that the request seeks, in part, documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 42 on the grounds that the request seeks, in part, information that is as easily available to RC as to TCCC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 42 that TCCC will produce press

releases regarding products to be sold under the VITAMINWATER ZERO mark that have been released publicly in the United States.

REQUEST NO. 43:

Documents Concerning the characteristics of the products(s) offered or to be offered under the mark VITAMINWATER ZERO.

RESPONSE TO REQUEST NO. 43:

TCCC objects to Request No. 43 on the grounds that the request is improper, as a party need not provide discovery with respect to those of its marks and goods and/or services that are not involved in the proceeding. TCCC further objects to Request No. 43 on the grounds that the request is beyond the scope of discovery, and seeks to impose on TCCC discovery obligations greater than or different from those imposed under the Federal Rules of Civil Procedure, Trademark Rules of Practice, or TBMP. TCCC also objects to Request No. 43 on the grounds that the request is overbroad, unduly burdensome, vague, ambiguous, and seeks documents that are not relevant to any issue in these proceedings and are not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 43 on the grounds that the request seeks, in part, documents that contain information that is confidential and proprietary to TCCC.

REQUEST NO. 44:

Documents Concerning the market positioning of the product(s) offered or to be offered under the mark VITAMINWATER ZERO.

RESPONSE TO REQUEST NO. 44:

TCCC objects to Request No. 44 on the grounds that the request is improper, as a party need not provide discovery with respect to those of its marks and goods and/or services that are not involved in the proceeding. TCCC further objects to Request No. 44 on the grounds that the request is beyond the scope of discovery, and seeks to impose on TCCC discovery obligations greater than or different from those imposed under the Federal Rules of Civil Procedure, Trademark Rules of Practice, or TBMP. TCCC also objects to Request No. 44 on the grounds that the request is overbroad, unduly burdensome, vague, ambiguous, and seeks documents that are not relevant to any issue in these proceedings and are not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 44 on the grounds that the request seeks, in part, documents that contain information that is confidential and proprietary to TCCC.

REQUEST NO. 45:

Documents sufficient to evidence the calorie, sugar, carbohydrate or fat content of each product offered or to be offered under the mark VITAMINWATER ZERO.

RESPONSE TO REQUEST NO. 45:

TCCC objects to Request No. 45 on the grounds that the request is improper, as a party need not provide discovery with respect to those of its marks and goods and/or services that are not involved in the proceeding. TCCC further objects to Request No. 45 on the grounds that the request is beyond the scope of discovery, and seeks to impose on TCCC discovery obligations greater than or different from those imposed

under the Federal Rules of Civil Procedure, Trademark Rules of Practice, or TBMP. TCCC also objects to Request No. 45 on the grounds that the request vague, ambiguous, and seeks documents that are not relevant to any issue in these proceedings and are not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 45 on the grounds that the request seeks, in part, documents that contain information that is confidential and proprietary to TCCC.

REQUEST NO. 46:

For each advertising media used or planned to be used (e.g. print, television, radio, internet, outdoor, point-of-sale), representative samples of publicly-disseminated or planned advertisements for product(s) offered or to be offered under the mark VITAMINWATER ZERO.

RESPONSE TO REQUEST NO. 46:

TCCC objects to Request No. 46 on the grounds that the request is improper, as a party need not provide discovery with respect to those of its marks and goods and/or services that are not involved in the proceeding. TCCC further objects to Request No. 46 on the grounds that the request is beyond the scope of discovery, and seeks to impose on TCCC discovery obligations greater than or different from those imposed under the Federal Rules of Civil Procedure, Trademark Rules of Practice, or TBMP. TCCC also objects to Request No. 46 on the grounds that the request is vague, ambiguous, and seeks documents that are not relevant to any issue in these proceedings and are not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 46 on the grounds that the request

seeks, in part, documents that contain information that is confidential and proprietary to TCCC.

REQUEST NO. 47:

A copy of all decisions, whether final or provisional, of any court or legal tribunal (including but not limited to administrative boards or arbitral panels), anywhere in the world, finding one of [sic] more of TCCC's Marks to be descriptive or generic or otherwise incapable of functioning as a trademark.

RESPONSE TO REQUEST NO. 47:

TCCC objects to Request No. 47 on the grounds that the request is, in part, improper, seeks documents that are beyond the scope of discovery, and seeks to impose on TCCC discovery obligations greater than or different from those imposed under the Federal Rules of Civil Procedure, Trademark Rules of Practice, or TBMP. TCCC also objects to Request No. 47 on the grounds that the request is overbroad, unduly burdensome, vague, ambiguous, and seeks documents that are not relevant to any issue in these proceedings and are not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 47 that there have been no decisions in the United States finding one or more of TCCC's ZERO Marks to be descriptive or generic or otherwise incapable of functioning as a trademark.

REQUEST NO. 48:

Documents and things (including but not limited to media articles, recorded video or audio, and printouts from the Internet) in which the media, consumers or competitors have used "zero" to refer to a category of beverages and/or one or more characteristics of beverages.

RESPONSE TO REQUEST NO. 48:

TCCC objects to Request No. 48 on the grounds that the request is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 48 on the grounds that the request seeks documents that are as easily available to RC as to TCCC. TCCC also objects to Request No. 48 on the grounds that the request is, in part, duplicative of other discovery requests served by RC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 48 that TCCC will produce documents in its possession, custody or control in which the media, consumers or competitors in the United States have used "zero" to refer to either a category of beverages and/or beverages having one or more specific characteristics, if any such documents can be identified through a search that is reasonable in scope.

This 18 day of February, 2010.

KING & SPALDING LLP

Bruce W. Baber
Emily B. Brown

1180 Peachtree Street
Atlanta, Georgia 30309
Telephone: 404-572-4600
Facsimile: 404-572-5134

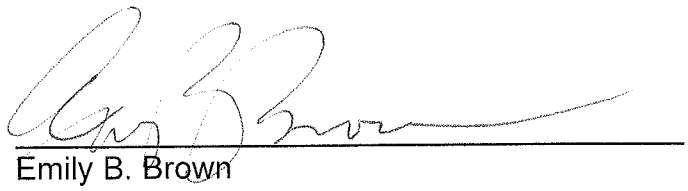
Attorneys for Applicant and Opposer
THE COCA-COLA COMPANY

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing Responses Of The Coca-Cola Company To Royal Crown's Third Set Of Requests For The Production Of Documents And Things in the above-captioned matter upon Royal Crown, by causing a true and correct copy thereof to be deposited in the United States Mail, postage prepaid, addressed to Royal Crown's counsel of record as follows:

Ms. Barbara A. Solomon
Ms. Laura Popp-Rosenberg
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, New York 10017

This 18th day of February, 2010



Emily B. Brown

EXHIBIT 7

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

ROYAL CROWN COMPANY, INC.,	:	Consolidated Proceedings:
	:	Opposition No. 91178927
Applicant,	:	Opposition No. 91180771
	:	Opposition No. 91180772
- against -	:	Opposition No. 91183482
	:	Opposition No. 91185755
THE COCA-COLA COMPANY,	:	Opposition No. 91186579
	:	Opposition No. 91189847
Opposer.	:	Opposition No. 91190658
--and--		
THE COCA-COLA COMPANY,	:	
	:	
Applicant,	:	Opposition No. 91184434
	:	
- against -	:	
	:	
ROYAL CROWN COMPANY, INC.,	:	
	:	
Opposer.	:	

ROYAL CROWN'S FOURTH SET OF REQUESTS FOR THE
PRODUCTION OF DOCUMENTS AND THINGS TO THE COCA-COLA COMPANY

Pursuant to 37 C.F.R. § 2.120 and Rules 26 and 34 of the Federal Rules of Civil Procedure, Royal Crown Company, Inc. hereby requests that The Coca-Cola Company respond to the following requests for the production of documents and things by providing written responses thereto within the time specified by the Trademark Rules of Practice and the Federal Rules of Civil Procedure and by producing the documents and things specified herein for inspection and copying at the offices of Royal Crown Company Inc.'s attorneys, Fross Zelnick Lehrman & Zissu P.C., at 866 United Nations Plaza, New York, New York 10017, Attn.: Laura

Popp-Rosenberg, simultaneously with the written responses or at another mutually agreed upon time and place.

DEFINITIONS AND INSTRUCTIONS

Except as otherwise set forth below, the Definitions and Instructions set forth or incorporated by reference in Opposer's Third Set of Requests for the Production of Documents and Things to Applicant are incorporated as if fully set forth herein.

REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS

Request No. 49

All Documents Concerning consumer recognition in the United States as of February 28, 2005 of TCCC's purported "family of ZERO marks" (*see*, *e.g.*, TCCC's Response to Office Action, dated November 5, 2008, submitted in connection with Application Serial No. 77/413,618).

Request No. 50

Documents sufficient to identify all marks in TCCC's purported "family of ZERO marks."

Request No. 51

Documents sufficient to identify all marks in TCCC's purported "family of ZERO marks" that had been used or promoted before February 28, 2005.

Request No. 52

All Documents Concerning consumer recognition in the United States as of February 28, 2005 of the term "zero" being an indication of source designating TCCC.

Request No. 53

All marketing, advertising and promotional materials referencing two or more of TCCC's Marks that were disseminated to the consuming public in the United States on or before February 28, 2005 (even if continuing thereafter), and Documents sufficient to show when (*i.e.*, inclusive dates of dissemination), where (*e.g.*, geography of dissemination, such as city, state or region) and how (*i.e.*, specific media used for dissemination, including both type [such as print, television] and specific outlet [*e.g.*, *Sports Illustrated*, CBS]) any such materials were disseminated.

Request No. 54

All Documents evidencing that two or more of TCCC's Marks were used, marketed, advertised or promoted together on or before February 28, 2005.

Request No. 55

All Documents evidencing that TCCC owned rights in a "family of ZERO marks" as of February 28, 2005.

Request No. 56

Documents sufficient to evidence TCCC's date of first use of each mark in TCCC's purported "family of ZERO marks," including but not limited to Documents sufficient to evidence TCCC's date of first use of each of TCCC's Marks.

Request No. 57

Documents sufficient to evidence TCCC's date of first use in commerce of each mark in TCCC's purported "family of ZERO marks," including but not limited to Documents sufficient to evidence TCCC's date of first use in commerce of each of TCCC's Marks.

Request No. 58

Documents sufficient to identify all domain names that are registered, owned or controlled by TCCC and used for websites promoting goods or services offered under any of TCCC's Marks, and Documents sufficient to identify the date TCCC registered and/or obtained ownership or control of each such domain name.

Request No. 59

A copy of any page (including but not limited to cached pages) on any website owned or controlled by TCCC that has ever used one or more of the phrases "zero calorie," "zero calories," "zero sugar," "zero fat," "zero carbohydrates," "0 calorie," "0 calories," "0 sugar," "0 fat," and/or "0 carbohydrates" to describe, or otherwise in connection with, any of the TCCC Products At Issue.

Request No. 60

A copy of any page (including but not limited to cached pages) on any website owned or controlled by TCCC that has ever used one or more of the phrases "zero calorie," "zero calories," "zero sugar," "zero fat," "zero carbohydrates," "0 calorie," "0 calories," "0 sugar," "0 fat," and/or "0 carbohydrates" to describe, or otherwise in connection with, any Other TCCC Products.

Request No. 61

Documents sufficient to identify each third party (whether or not affiliated with TCCC) to whom TCCC has at any time given permission to use any of TCCC's Marks (including but not limited to franchisees and licensees), and Documents sufficient to identify the nature and scope of such permission.

Request No. 62

Documents sufficient to identify each third party (whether or not affiliated with TCCC) to whom TCCC has at any time given permission to use any mark containing the term ZERO (other than any of TCCC's Marks) or numeral 0 (including but not limited to franchisees and licensees), and Documents sufficient to identify the nature and scope of such permission.

Request No. 63

All Documents constituting deliverables from any creative agency (*e.g.*, advertising agency, marketing firm, public relations agency, consultant) Concerning any of TCCC's Marks.

Request No. 64

Documents sufficient to prove that the marketing material shown in produced document TCCC000097 was distributed to the consuming public in the United States, and Documents sufficient to show when (*i.e.*, inclusive dates of dissemination), where (*e.g.*, geography of dissemination, such as city, state or region) and how (*i.e.*, specific media used for dissemination, including both type [such as print, television] and specific outlet [*e.g.*, *Sports Illustrated*, CBS]) such material was disseminated.

Request No. 65

Documents sufficient to prove that the marketing material shown in produced document TCCC000101 was distributed to the consuming public in the United States, and Documents sufficient to show when (*i.e.*, inclusive dates of dissemination), where (*e.g.*, geography of dissemination, such as city, state or region) and how (*i.e.*, specific media used for dissemination, including both type [such as print, television] and specific outlet [*e.g.*, *Sports Illustrated*, CBS]) such material was disseminated.

Request No. 66

Documents sufficient to prove that the marketing material shown in produced document TCCC000102 was distributed to the consuming public in the United States, and Documents sufficient to show when (*i.e.*, inclusive dates of dissemination), where (*e.g.*, geography of dissemination, such as city, state or region) and how (*i.e.*, specific media used for dissemination, including both type [such as print, television] and specific outlet [*e.g.*, *Sports Illustrated*, CBS]) such material was disseminated.

Request No. 67

Documents sufficient to prove that the marketing material shown in produced document TCCC000104 was distributed to the consuming public in the United States, and Documents sufficient to show when (*i.e.*, inclusive dates of dissemination), where (*e.g.*, geography of dissemination, such as city, state or region) and how (*i.e.*, specific media used for dissemination, including both type [such as print, television] and specific outlet [*e.g.*, *Sports Illustrated*, CBS]) such material was disseminated.

Request No. 68

Documents sufficient to prove that the marketing material shown in produced document TCCC000108 was distributed to the consuming public in the United States, and Documents sufficient to show when (*i.e.*, inclusive dates of dissemination), where (*e.g.*, geography of dissemination, such as city, state or region) and how (*i.e.*, specific media used for dissemination, including both type [such as print, television] and specific outlet [*e.g.*, *Sports Illustrated*, CBS]) such material was disseminated.

Request No. 69

Documents sufficient to prove that the marketing material shown in produced document TCCC000541 was distributed to the consuming public in the United States, and Documents sufficient to show when (*i.e.*, inclusive dates of dissemination), where (*e.g.*, geography of dissemination, such as city, state or region) and how (*i.e.*, specific media used for dissemination, including both type [such as print, television] and specific outlet [*e.g.*, *Sports Illustrated*, CBS]) such material was disseminated.

Request No. 70

Documents sufficient to prove that the marketing material shown in produced document TCCC000573 was distributed to the consuming public in the United States, and Documents sufficient to show when (*i.e.*, inclusive dates of dissemination), where (*e.g.*, geography of dissemination, such as city, state or region) and how (*i.e.*, specific media used for dissemination, including both type [such as print, television] and specific outlet [*e.g.*, *Sports Illustrated*, CBS]) such material was disseminated.

Request No. 71

Documents sufficient to prove that the marketing material shown in produced document TCCC000574 was distributed to the consuming public in the United States, and Documents sufficient to show when (*i.e.*, inclusive dates of dissemination), where (*e.g.*, geography of dissemination, such as city, state or region) and how (*i.e.*, specific media used for dissemination, including both type [such as print, television] and specific outlet [*e.g.*, *Sports Illustrated*, CBS]) such material was disseminated.

Dated: New York, New York
February 23, 2010

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: _____
Barbara A. Solomon
Laura Popp-Rosenberg
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

Attorneys for Royal Crown Company, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of **Royal Crown's Fourth Set of Requests for the Production of Documents and Things to The Coca-Cola Company** to be deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to counsel for Applicant, Bruce Baber, Esq., King & Spalding LLP, 1185 Avenue of the Americas, New York, NY 10036-4003, this 23rd day of February, 2010.

Laura Popp-Rosenberg

EXHIBIT 8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ROYAL CROWN COMPANY, INC.,	)	
	)	Consolidated Proceedings:
	)	
Opposer,	)	OPPOSITION NO. 91178927
	)	OPPOSITION NO. 91180771
v.	)	OPPOSITION NO. 91180772
	)	OPPOSITION NO. 91183482
	)	OPPOSITION NO. 91185755
THE COCA-COLA COMPANY,	)	OPPOSITION NO. 91186579
	)	OPPOSITION NO. 91189847
	)	OPPOSITION NO. 91190658
Applicant.	)	

-- and --

THE COCA-COLA COMPANY,	)	
	)	
Opposer,	)	
	)	
v.	)	OPPOSITION NO. 91184434
	)	
ROYAL CROWN COMPANY, INC.,	)	
	)	
Applicant.	)	

RESPONSES OF THE COCA-COLA COMPANY
TO ROYAL CROWN'S FOURTH SET OF REQUESTS
FOR THE PRODUCTION OF DOCUMENTS AND THINGS

The Coca-Cola Company ("TCCC"), by and through its undersigned counsel and in accordance with Rule 34 of the Federal Rules of Civil Procedure and Rules 2.116 and 2.120 of the Trademark Rules of Practice, hereby responds as follows to "Royal

Crown's Fourth Set Of Requests For The Production Of Documents And Things To The Coca-Cola Company" ("RC's Fourth Document Requests"), served by Royal Crown Company, Inc. ("RC") on February 23, 2010.

GENERAL OBJECTIONS

1.

TCCC hereby incorporates by reference TCCC's General Objections to Royal Crown's Third Set of Requests for the Production of Documents and Things ("RC's Third Document Requests"), as stated in TCCC's "Responses Of The Coca-Cola Company To Royal Crown's Third Set Of Requests For Production Of Documents and Things," to the extent that the "Definitions and Instructions" contained in RC's Fourth Document Requests incorporate by reference the Definitions and Instructions contained in RC's Third Document Requests.

2.

TCCC objects to RC's definition of "TCCC Products at Issue" to the extent that it purports to include products that do not bear one of TCCC's ZERO Marks. In responding to RC's Fourth Document Requests, any use by TCCC of "TCCC Products at Issue" will only refer to TCCC's products that bear one of TCCC's ZERO Marks.

3.

TCCC objects to RC's definition of "Other TCCC Products" to the extent that it includes TCCC products that do not bear one of TCCC's ZERO Marks and products that are not at issue in these proceedings. In responding to RC's Fourth Document Requests, TCCC will not produce documents relating to "Other TCCC Products" where

such requests are not in accordance with the Federal Rules of Evidence, Trademark Rules of Practice, and TBMP.

RESPONSES AND OBJECTIONS TO DOCUMENT REQUESTS

Subject to and without waiving any of the foregoing general objections, TCCC responds as follows to RC's separately-numbered document requests:

REQUEST NO. 49:

All Documents Concerning consumer recognition in the United States as of February 28, 2005 of TCCC's purported "family of ZERO marks" (*see, e.g.*, TCCC's Response to Office Action, dated November 5, 2008, submitted in connection with Application Serial No. 77/413,618).

RESPONSE TO REQUEST NO. 49:

TCCC objects to Request No. 49 on the grounds that the request is overbroad, unduly burdensome, vague and ambiguous, and requests the production of documents that are not relevant to these proceedings and are not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 49 on the grounds that the request seeks, in part, documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 49 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine. TCCC further objects to Request No. 49 on the grounds that the request is, in part, duplicative of other discovery requests served by RC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 49 that TCCC believes that it has

already produced documents that are, at least in part, responsive to Request No. 49. TCCC further states in response to Request No. 49 that TCCC is not aware of any additional non-objectionable, non-privileged responsive documents in its possession, custody or control that reflect consumer recognition in the United States of TCCC's "family of ZERO marks" as of the specific date February 28, 2005.

REQUEST NO. 50:

Documents sufficient to identify all marks in TCCC's purported "family of ZERO marks."

RESPONSE TO REQUEST NO. 50:

TCCC objects to Request No. 50 on the grounds that the request is vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 50 on the grounds that the request seeks, in part, documents that contain information that is confidential and proprietary to TCCC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 50 that TCCC believes that it has already produced documents that are, at least in part, responsive to Request No. 50. TCCC further states in response to Request No. 50 that TCCC will produce additional non-objectionable, non-privileged responsive documents sufficient to identify the marks in TCCC's "family of ZERO marks," if any such additional documents exist.

REQUEST NO. 51:

Documents sufficient to identify all marks in TCCC's purported "family of ZERO marks" that had been used or promoted before February 28, 2005.

RESPONSE TO REQUEST NO. 51:

TCCC objects to Request No. 51 on the grounds that the request is vague and ambiguous, and requests the production of documents that are not relevant to these proceedings and are not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 51 on the grounds that the request seeks, in part, documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 51 on the grounds that the request is, in part, duplicative of Request No. 50. TCCC further objects to Request No. 51 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 51 that TCCC believes that it has already produced documents that are, at least in part, responsive to Request No. 51. TCCC further states that TCCC will produce additional non-objectionable, non-privileged responsive documents sufficient to identify the marks in TCCC's "family of ZERO marks" that were used before February 28, 2005 in the United States, if any such additional documents exist.

REQUEST NO. 52:

All Documents Concerning consumer recognition in the United States as of February 28, 2005 of the term "zero" being an indication of source designating TCCC.

RESPONSE TO REQUEST NO. 52:

TCCC objects to Request No. 52 on the grounds that the request is overbroad, unduly burdensome, vague and ambiguous, and requests the production of documents that are not relevant to these proceedings and are not reasonably calculated to lead to

the discovery of admissible evidence. TCCC further objects to Request No. 52 on the grounds that the request seeks, in part, documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 52 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine. TCCC further objects to Request No. 52 on the grounds that the request is, in part, duplicative of other discovery requests served by RC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 52 that TCCC believes that it has already produced documents that are, at least in part, responsive to Request No. 52. TCCC further states in response to Request No. 52 that TCCC is not aware of any additional non-objectionable, non-privileged responsive documents in its possession, custody or control that reflect consumer recognition in the United States of the term ZERO as an indication of source designating TCCC as of the specific date February 28, 2005.

REQUEST NO. 53:

All marketing, advertising and promotional materials referencing two or more of TCCC's Marks that were disseminated to the consuming public in the United States on or before February 28, 2005 (even if continuing thereafter), and Documents sufficient to show when (*i.e.*, inclusive dates of dissemination), where (*e.g.*, geography of dissemination, such as city, state or region) and how (*i.e.*, specific media used for dissemination, including both type [such as print, television] and specific outlet [*e.g., Sports Illustrated,* CBS]) any such materials were disseminated.

RESPONSE TO REQUEST NO. 53:

TCCC objects to Request No. 53 on the grounds that the request is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 53 on the grounds that the request is, in part, duplicative of other discovery requests served by RC. TCCC also objects to Request No. 53 on the grounds that the request seeks documents that are as easily available to RC as to TCCC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 53 that TCCC will produce representative samples of marketing, advertising and promotional materials that were used in the United States on or before February 28, 2005 that reference two or more of TCCC's marks and documents sufficient to show when, where and how and the specific medium or media through which such materials were disseminated, if any such documents are in the possession or custody of TCCC.

REQUEST NO. 54:

All Documents evidencing that two or more of TCCC's Marks were used, marketed, advertised or promoted together on or before February 28, 2005.

RESPONSE TO REQUEST NO. 54:

TCCC objects to Request No. 54 on the grounds that the request is overbroad, vague and ambiguous, and requests the production of documents that are not relevant to these proceedings and are not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 54 on the grounds that the request seeks, in part, documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 54 on the grounds that the

request seeks documents that are subject to the attorney-client privilege and/or work product doctrine. TCCC further objects to Request No. 54 on the grounds that the request is, in part, duplicative of other discovery requests served by RC. TCCC also objects to Request No. 54 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 54 that TCCC markets, advertises and promotes products bearing TCCC's ZERO Marks, not TCCC's ZERO Marks in and of themselves. TCCC further states in response to Request No. 54 that TCCC will produce non-objectionable, non-privileged responsive documents in its possession, custody or control sufficient to show that two or more of TCCC's ZERO Marks were used together in the United States in connection with the marketing, advertising or promotion of products bearing TCCC's ZERO Marks on or before February 28, 2005, if any such documents are in the possession or custody of TCCC.

REQUEST NO. 55:

All Documents evidencing that TCCC owned rights in a "family of ZERO marks" as of February 28, 2005.

RESPONSE TO REQUEST NO. 55:

TCCC objects to Request No. 55 on the grounds that the request is overbroad, unduly burdensome, vague and ambiguous, and requests the production of documents that are not relevant to these proceedings and are not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 55 on the grounds that the request seeks, in part, documents that contain information that is

confidential and proprietary to TCCC. TCCC also objects to Request No. 55 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine. TCCC further objects to Request No. 55 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 55 that TCCC believes that TCCC has already produced documents that are, at least in part, responsive to Request No. 55. TCCC further states in response to Request No. 55 that TCCC will produce additional non-objectionable, non-privileged responsive documents sufficient to show that TCCC owned rights in a "family of ZERO marks" in the United States as of February 28, 2005, if any such additional documents exist.

REQUEST NO. 56:

Documents sufficient to evidence TCCC's date of first use of each mark in TCCC's purported "family of ZERO marks," including but not limited to Documents sufficient to evidence TCCC's date of first use of each of TCCC's Marks.

RESPONSE TO REQUEST NO. 56:

TCCC objects to Request No. 56 on the grounds that the request is overbroad, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 56 on the grounds that the request seeks, in part, documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 56 on the grounds that the request is not limited in geographic scope.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 56 that TCCC believes that TCCC has already produced documents that are, at least in part, responsive to Request No. 56. TCCC further states in response to Request No. 56 that TCCC will produce additional non-objectionable, non-privileged responsive documents sufficient to show TCCC's date of first use in the United States of marks in TCCC's "family of ZERO marks" that at issue in these proceedings, if any such additional documents exist.

REQUEST NO. 57:

Documents sufficient to evidence TCCC's date of first use in commerce of each mark in TCCC's purported "family of ZERO marks," including but not limited to Documents sufficient to evidence TCCC's date of first use in commerce of each of TCCC's Marks.

RESPONSE TO REQUEST NO. 57:

TCCC objects to Request No. 57 on the grounds that the request is overbroad, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 57 on the grounds that the request seeks, in part, documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 57 on the grounds that the request is not limited in geographic scope.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 57 that TCCC believes that TCCC has already produced documents that are, at least in part, responsive to Request No. 57. TCCC further states in response to Request No. 57 that TCCC will produce additional non-objectionable, non-privileged responsive documents sufficient to show TCCC's date

of first use in commerce in the United States of marks in TCCC's "family of ZERO marks" that are at issue in these proceedings, if any such additional documents exist.

REQUEST NO. 58:

Documents sufficient to identify all domain names that are registered, owned or controlled by TCCC and used for websites promoting goods or services offered under any of TCCC's Marks, and Documents sufficient to identify the date TCCC registered and/or obtained ownership or control of each such domain name.

RESPONSE TO REQUEST NO. 58:

TCCC objects to Request No. 58 on the grounds that the request is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 58 on the grounds that the request seeks information that is as easily accessible to RC as to TCCC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 58 that TCCC will produce non-objectionable, non-privileged responsive documents in its possession, custody or control sufficient to identify any domain names registered, owned or controlled by TCCC that are used for websites promoting goods or services offered under any of TCCC's ZERO Marks and the date TCCC registered and/or obtained ownership or control of each such domain name.

REQUEST NO. 59:

A copy of any page (including but not limited to cached pages) on any website owned or controlled by TCCC that has ever used one or more of the phrases "zero calorie," "zero calories," "zero sugar," "zero fat," "zero carbohydrates," "0 calorie," "0 calories," "0 sugar," "0 fat," and/or "0 carbohydrates" to describe, or otherwise in connection with, any of the TCCC Products At Issue.

RESPONSE TO REQUEST NO. 59:

TCCC objects to Request No. 59 on the grounds that the request is overbroad, unduly burdensome, vague and ambiguous, and requests the production of documents that are not relevant to these proceedings and are not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 59 on the grounds that the request fails to specify a reasonable time period. TCCC also objects to Request No. 59 on the grounds that the request is, in part, duplicative of other discovery requests served by RC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 59 that TCCC will produce printouts of any pages of any website owned or controlled by TCCC that used one or more of the phrases listed in Request No. 59 in connection with TCCC's products bearing TCCC's ZERO Marks, to the extent such pages are in TCCC's possession or custody.

REQUEST NO. 60:

A copy of any page (including but not limited to cached pages) on any website owned or controlled by TCCC that has ever used one or more of the phrases "zero calorie," "zero calories," "zero sugar," "zero fat," "zero carbohydrates," "0 calorie," "0 calories," "0 sugar," "0 fat," and/or "0 carbohydrates" to describe, or otherwise in connection with, any Other TCCC Products.

RESPONSE TO REQUEST NO. 60:

TCCC objects to Request No. 60 on the grounds that the request is improper, as a party need not provide discovery with respect to those of its marks and goods and/or services that are not involved in the proceeding. TCCC further objects to Request No. 60 on the grounds that the request is beyond the scope of discovery, and seeks to

impose on TCCC discovery obligations greater than or different from those imposed under the Federal Rules of Civil Procedure, Trademark Rules of Practice, or TBMP. TCCC also objects to Request No. 60 on the grounds that the request is unduly burdensome, vague, ambiguous, and seeks documents that are not relevant to any issue in these proceedings and are not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 60 on the grounds that the request fails to specify a reasonable time period. TCCC also objects to Request No. 60 on the grounds that the request is, in part, duplicative of other discovery requests served by RC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 60 that TCCC will produce printouts of any pages of any website owned or controlled by TCCC that used one or more of the phrases listed in Request No. 60 in connection with any of TCCC's "Other Products" that have been used in the United States in the last two years, to the extent such pages are in TCCC's possession or custody.

REQUEST NO. 61:

Documents sufficient to identify each third party (whether or not affiliated with TCCC) to whom TCCC has at any time given permission to use any of TCCC's Marks (including but not limited to franchisees and licensees), and Documents sufficient to identify the nature and scope of such permission.

RESPONSE TO REQUEST NO. 61:

TCCC objects to Request No. 61 on the grounds that the request is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 61 on the grounds that the request seeks, in part, documents that contain information that

is confidential and proprietary to TCCC. TCCC also objects to Request No. 61 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine. TCCC further objects to Request No. 61 on the grounds that the request fails to specify a geographic scope. TCCC also objects to Request No. 61 on the grounds that the request is, in part, duplicative of other discovery requests served by RC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 61 that TCCC will produce non-objectionable, non-privileged responsive documents sufficient to identify any third party to whom TCCC has given permission to use any of TCCC's ZERO Marks in the United States and the nature and scope of such permission, if any exist.

REQUEST NO. 62:

Documents sufficient to identify each third party (whether or not affiliated with TCCC) to whom TCCC has at any time given permission to use any mark containing the term ZERO (other than any of TCCC's Marks) or numeral 0 (including but not limited to franchisees and licensees), and Documents sufficient to identify the nature and scope of such permission.

RESPONSE TO REQUEST NO. 62:

TCCC objects to Request No. 62 on the grounds that the request is overbroad, unduly burdensome, vague, ambiguous, seeks documents that are not relevant to any issue in these proceedings and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 62 on the grounds that the request seeks, in part, documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 62 on the grounds that the

request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine. TCCC further objects to Request No. 62 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 62 that TCCC will produce non-objectionable, non-privileged responsive documents sufficient to identify each third party to whom TCCC has given permission to use any mark containing the term ZERO, other than TCCC's ZERO Marks, or numeral 0 in the United States and the nature and scope of such permission, if any exist.

REQUEST NO. 63:

All Documents constituting deliverables from any creative agency (*e.g.*, advertising agency, marketing firm, public relations agency, consultant) Concerning any of TCCC's Marks.

RESPONSE TO REQUEST NO. 63:

TCCC objects to Request No. 63 on the grounds that the request is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 63 on the grounds that the request seeks, in part, documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 63 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine. TCCC further objects to Request No. 63 on the grounds that the request fails to specify a geographic scope or a reasonable time period. TCCC also objects to Request No. 63 on the grounds that the request is duplicative of other RC discovery requests.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 63 that TCCC believes that TCCC has already produced documents that are, at least in part, responsive to Request No. 63. TCCC further states in response to Request No. 63 that TCCC will produce additional non-objectionable, non-privileged documents in its possession, custody or control that constitute deliverables from any creative agency hired by TCCC concerning products bearing TCCC's ZERO Marks in the United States, if any such additional documents exist.

REQUEST NO. 64:

Documents sufficient to prove that the marketing material shown in produced document TCCC000097 was distributed to the consuming public in the United States, and Documents sufficient to show when (*i.e.*, inclusive dates of dissemination), where (*e.g.*, geography of dissemination, such as city, state or region) and how (*i.e.*, specific media used for dissemination, including both type [such as print, television] and specific outlet [*e.g., Sports Illustrated,* CBS]) such material was disseminated.

RESPONSE TO REQUEST NO. 64:

TCCC objects to Request No. 64 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 64 on the grounds that the request seeks, in part, documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 64 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 64 that TCCC will produce non-objectionable, non-privileged responsive documents in its possession, custody or

control that show that the material shown in document number TCCC000097 produced by TCCC was distributed to the consuming public in the United States and that show when, where, how, and the specific medium or media through which such material was disseminated.

REQUEST NO. 65:

Documents sufficient to prove that the marketing material shown in produced document TCCC000101 was distributed to the consuming public in the United States, and Documents sufficient to show when (*i.e.*, inclusive dates of dissemination), where (*e.g.*, geography of dissemination, such as city, state or region) and how (*i.e.*, specific media used for dissemination, including both type [such as print, television] and specific outlet [*e.g., Sports Illustrated,* CBS]) such material was disseminated.

RESPONSE TO REQUEST NO. 65:

TCCC objects to Request No. 65 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 65 on the grounds that the request seeks, in part, documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 65 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 65 that TCCC will produce non-objectionable, non-privileged responsive documents in its possession, custody or control that show that the material shown in document number TCCC000101 produced by TCCC was distributed to the consuming public in the United States and that show when, where, how, and the specific medium or media through which such material was disseminated.

REQUEST NO. 66:

Documents sufficient to prove that the marketing material shown in produced document TCCC000102 was distributed to the consuming public in the United States, and Documents sufficient to show when (*i.e.*, inclusive dates of dissemination), where (*e.g.*, geography of dissemination, such as city, state or region) and how (*i.e.*, specific media used for dissemination, including both type [such as print, television] and specific outlet [*e.g., Sports Illustrated,* CBS]) such material was disseminated.

RESPONSE TO REQUEST NO. 66:

TCCC objects to Request No. 66 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 66 on the grounds that the request seeks, in part, documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 66 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 66 that TCCC will produce non-objectionable, non-privileged responsive documents in its possession, custody or control that show that the material shown in document number TCCC000102 produced by TCCC was distributed to the consuming public in the United States and that show when, where, how, and the specific medium or media through which such material was disseminated.

REQUEST NO. 67:

Documents sufficient to prove that the marketing material shown in produced document TCCC000104 was distributed to the consuming public in the United States, and Documents sufficient to show when (*i.e.*, inclusive dates of dissemination), where (*e.g.*, geography of dissemination, such as city, state or region) and how (i.e., specific

media used for dissemination, including both type [such as print, television] and specific outlet [*e.g., Sports Illustrated,* CBS]) such material was disseminated.

RESPONSE TO REQUEST NO. 67:

TCCC objects to Request No. 67 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 67 on the grounds that the request seeks, in part, documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 67 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 67 that TCCC will produce non-objectionable, non-privileged responsive documents in its possession, custody or control that show that the material shown in document number TCCC000104 produced by TCCC was distributed to the consuming public in the United States and that show when, where, how, and the specific medium or media through which such material was disseminated.

REQUEST NO. 68:

Documents sufficient to prove that the marketing material shown in produced document TCCC000108 was distributed to the consuming public in the United States, and Documents sufficient to show when (*i.e.*, inclusive dates of dissemination), where (*e.g.*, geography of dissemination, such as city, state or region) and how (*i.e.*, specific media used for dissemination, including both type [such as print, television] and specific outlet [*e.g., Sports Illustrated,* CBS]) such material was disseminated.

RESPONSE TO REQUEST NO. 68:

TCCC objects to Request No. 68 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 68 on the grounds that the request seeks, in part, documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 68 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 68 that TCCC will produce non-objectionable, non-privileged responsive documents in its possession, custody or control that show that the material shown in document number TCCC000108 produced by TCCC was distributed to the consuming public in the United States and that show when, where, how, and the specific medium or media through which such material was disseminated.

REQUEST NO. 69:

Documents sufficient to prove that the marketing material shown in produced document TCCC000541 was distributed to the consuming public in the United States, and Documents sufficient to show when (*i.e.*, inclusive dates of dissemination), where (*e.g.*, geography of dissemination, such as city, state or region) and how (*i.e.*, specific media used for dissemination, including both type [such as print, television] and specific outlet [*e.g., Sports Illustrated,* CBS]) such material was disseminated.

RESPONSE TO REQUEST NO. 69:

TCCC objects to Request No. 69 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 69 on the grounds that the request seeks, in part, documents that contain information that is confidential and proprietary to

TCCC. TCCC also objects to Request No. 69 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 69 that TCCC will produce non-objectionable, non-privileged responsive documents in its possession, custody or control that show that the material shown in document number TCCC000541 produced by TCCC was distributed to the consuming public in the United States and that show when, where, how, and the specific medium or media through which such material was disseminated.

REQUEST NO. 70:

Documents sufficient to prove that the marketing material shown in produced document TCCC000573 was distributed to the consuming public in the United States, and Documents sufficient to show when (*i.e.*, inclusive dates of dissemination), where (*e.g.*, geography of dissemination, such as city, state or region) and how (*i.e.*, specific media used for dissemination, including both type [such as print, television] and specific outlet [*e.g., Sports Illustrated,* CBS]) such material was disseminated.

RESPONSE TO REQUEST NO. 70:

TCCC objects to Request No. 70 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 70 on the grounds that the request seeks, in part, documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 70 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 70 that TCCC will produce non-objectionable, non-privileged responsive documents in its possession, custody or control that show that the material shown in document number TCCC000573 produced by TCCC was distributed to the consuming public in the United States and that show when, where, how, and the specific medium or media through which such material was disseminated.

REQUEST NO. 71:

Documents sufficient to prove that the marketing material shown in produced document TCCC000574 was distributed to the consuming public in the United States, and Documents sufficient to show when (*i.e.*, inclusive dates of dissemination), where (*e.g.*, geography of dissemination, such as city, state or region) and how (*i.e.*, specific media used for dissemination, including both type [such as print, television] and specific outlet [*e.g., Sports Illustrated,* CBS]) such material was disseminated.

RESPONSE TO REQUEST NO. 71:

TCCC objects to Request No. 71 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 71 on the grounds that the request seeks, in part, documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 71 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 71 that TCCC will produce non-objectionable, non-privileged responsive documents in its possession, custody or control that show that the material shown in document number TCCC000574 produced

by TCCC was distributed to the consuming public in the United States and that show when, where, how, and the specific medium or media through which such material was disseminated.

This 30 day of March, 2010.

KING & SPALDING LLP

Bruce W. Baber
Emily B. Brown

1180 Peachtree Street
Atlanta, Georgia 30309
Telephone: 404-572-4600
Facsimile: 404-572-5134

Attorneys for Applicant and Opposer
THE COCA-COLA COMPANY

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing Responses Of The Coca-Cola Company To Royal Crown's Fourth Set Of Requests For The Production Of Documents And Things in the above-captioned matter upon Royal Crown, by causing a true and correct copy thereof to be deposited in the United States Mail, postage prepaid, addressed to Royal Crown's counsel of record as follows:

Ms. Barbara A. Solomon
Ms. Laura Popp-Rosenberg
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, New York 10017

This 30th day of March, 2010

Emily B. Brown

EXHIBIT 9

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

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

--and--

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

ROYAL CROWN'S FIFTH SET OF REQUESTS FOR THE
PRODUCTION OF DOCUMENTS AND THINGS TO THE COCA-COLA COMPANY

Pursuant to 37 C.F.R. § 2.120 and Rules 26 and 34 of the Federal Rules of Civil Procedure, Royal Crown Company, Inc. hereby requests that The Coca-Cola Company respond to the following requests for the production of documents and things by providing written responses thereto within the time specified by the Trademark Rules of Practice and the Federal Rules of Civil Procedure and by producing the documents and things specified herein for inspection and copying at the offices of Royal Crown Company, Inc.'s attorneys, Fross Zelnick Lehrman & Zissu P.C., at 866 United Nations Plaza, New York, New York 10017, Attn.: Laura

Popp-Rosenberg, simultaneously with the written responses or at another mutually agreed upon time and place.

DEFINITIONS AND INSTRUCTIONS

1. Except as otherwise set forth below, the Definitions and Instructions set forth or incorporated by reference in Opposer's Fourth Set of Requests for the Production of Documents and Things to Applicant are incorporated as if fully set forth herein.

2. "ABA Advertising Campaign" means the subway car cards developed by the American Beverage Association and placed in New York City subway cars in or around Spring 2012, as shown in Exhibit 1 hereto, including the "Fewer Calories" car card depicting three bottle silhouettes with the words "H2O," "Zero," and "Lite," and including the statement "By introducing more low- and no-calorie beverages, America's beverage companies have reduced the average calories per serving by 23% since 1998."

3. "HONEST ZERO Marks" means any mark in a format such as HONEST ZERO or HONEST ADE ZERO CALORIE applied to beverages manufactured and/or distributed by the company Honest Tea Inc. and/or TCCC.

REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS

Request No. 72

All press releases Concerning the product(s) offered or to be offered under the HONEST ZERO Marks.

Request No. 73

Documents Concerning the characteristics of the product(s) offered or to be offered under the HONEST ZERO Marks.

Request No. 74

Documents Concerning the market positioning of the product(s) offered or to be offered under the HONEST ZERO Marks.

Request No. 75

Documents sufficient to evidence the calorie, sugar, carbohydrate or fat content of each product offered or to be offered under the HONEST ZERO Marks.

Request No. 76

For each advertising media used or planned to be used (*e.g.*, print, television, radio, internet, outdoor, point-of-sale), representative samples of publicly-disseminated or planned advertisements for product(s) offered or to be offered under the HONEST ZERO Marks.

Request No. 77

All Documents Concerning the development and selection of the HONEST ZERO Marks.

Request No. 78

Documents (including financial, accounting or corporate records) sufficient to establish TCCC's total sales in dollars and units, for each year (or portion thereof), of goods sold under the HONEST ZERO Marks.

Request No. 79

Documents (including financial, accounting or corporate records) sufficient to establish the amount of money spent by TCCC, for each year (or portion thereof), to advertise, market, promote or otherwise publicize the HONEST ZERO Marks or goods offered thereunder.

Request No. 80

All Documents Concerning the development and selection of the VITAMIN WATER ZERO mark.

Request No. 81

Documents (including financial, accounting or corporate records) sufficient to establish TCCC's total sales in dollars and units, for each year (or portion thereof), of goods sold under the VITAMIN WATER ZERO mark.

Request No. 82

Documents (including financial, accounting or corporate records) sufficient to establish the amount of money spent by TCCC, for each year (or portion thereof), to advertise, market, promote or otherwise publicize the VITAMIN WATER ZERO mark or goods offered thereunder.

Request No. 83

All Documents Concerning the development and selection of the VITAMINWATER10 mark.

Request No. 84

All press releases Concerning the product(s) offered or to be offered under the VITAMINWATER10 mark.

Request No. 85

Documents Concerning the characteristics of the product(s) offered or to be offered under the VITAMINWATER10 mark.

Request No. 86

Documents Concerning the market positioning of the product(s) offered or to be offered under the VITAMINWATER10 mark.

Request No. 87

Documents sufficient to evidence the calorie, sugar, carbohydrate or fat content of each product offered or to be offered under the VITAMINWATER10 mark.

Request No. 88

For each advertising media used or planned to be used (*e.g.*, print, television, radio, internet, outdoor, point-of-sale), representative samples of publicly-disseminated or planned advertisements for product(s) offered or to be offered under the VITAMINWATER10 mark.

Request No. 89

Documents sufficient to substantiate TCCC's use of the registered trademark symbol ® in connection with the phrase HONEST ZERO on Honest Tea Inc.'s website, as shown in Exhibit 2 hereto.

Request No. 90

All Documents Concerning the ABA Advertising Campaign.

Dated: New York, New York
August 17, 2012

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: _____

Barbara A. Solomon
Laura Popp-Rosenberg
Giselle C.W. Huron
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

Attorneys for Royal Crown Company, Inc.

EXHIBIT 1

BRAND CARS (570 cars) SILHOUETTE STYLE

3 differently-sized subway car cards. Placed in 1/2 of the available ad space on each of 570 cars.
No control over placement order.

Subway 1: 45.875" x 10.875" (trim)	3500 placements MAX: 7 variations
Subway 2: 69.875" x 10.875"(trim)	3700 placements MAX: 7 variations
Square: 21" x 22" (trim)	4000 placements; MAX: 9 variations

BRAND CARS (570 cars) SILHOUETTE STYLE

3 differently-sized subway car cards. Placed in 1/2 of the available ad space on each of 570 cars.
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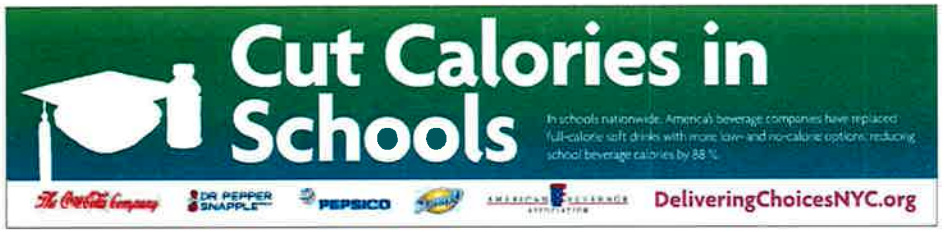
Subway 1: 45.875" x 10.875" (trim)	3500 placements MAX: 7 variations
Subway 2: 69.875" x 10.875"(trim)	3700 placements MAX: 7 variations
Square: 21" x 22" (trim)	4000 placements; MAX: 9 variations



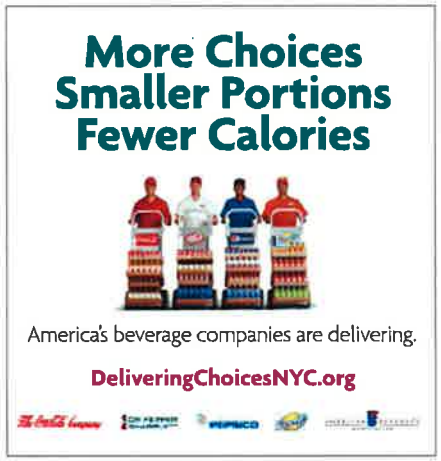


EXHIBIT 2

HONEST

PRODUCTS

Honest Zero®

NEW! Classic Lemonade

NEW! Passion Fruit Green Tea

Honest Tea 16.9 oz. PET

Honey Green Tea

Half & Half

Peach White Tea

NEW! (not too) Sweet Tea

Lemon Tea

Honest Ade 16.9 oz. PET

Pomegranate Blue

Orange Mango

Super Fruit Punch

Cranberry Lemonade

Limeade

Honest Kids/Tea 64 oz. PET

64 oz Berry Berry Good Lemonade

64 oz Super Fruit Punch

64 oz Just Black Tea

64 oz Just Green Tea

Honest Tea 16 oz. Glass

Assam Black Tea

Black Forest Berry

Classic Green

Community Green

Green Dragon Tea

Heavenly Lemon Tulsi

Jasmine Green Energy

Just Black Tea

Just Green Tea

Lori's Lemon

Mango Acai White Tea

Moroccan Mint Tea

Peach Oolong

Pomegranate Red Tea with Goji Berry

NEW! Raspberry Fields

Honest Kids 6.75 oz. Pouch

Super Fruit Punch

Apple Ever After

Berry Berry Good Lemonade

Goodness Grapeness

Tropical Tango Punch

HONEST

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11:02:43 AM 8/17/2012

HONEST

150k Follow @honesttea

PRODUCTS MISSION COMMUNITY NEWS / EVENTS CONTACT

PRODUCTS

Honest Zero®

NEW! Classic Lemonade

NEW! Passion Fruit Green Tea

Honest Tea 16.9 oz. PET

Honey Green Tea

Half & Half

Peach White Tea

NEW! (not too) Sweet Tea

Lemon Tea

Honest Ade 16.9 oz. PET

Pomegranate Blue

Orange Mango

Super Fruit Punch

Cranberry Lemonade

Limeade

Honest Kids/Tea 64 oz. PET

64 oz Berry Berry Good Lemonade

64 oz Super Fruit Punch

64 oz Just Black Tea

64 oz Just Green Tea

Honest Zero®

NEW! Classic Lemonade

NEW! Passion Fruit Green Tea

Honest Tea 16.9 oz. PET

Honey Green Tea

Half & Half

Peach White Tea

NEW! (not too) Sweet Tea

Lemon Tea

Honest Ade 16.9 oz. PET

Pomegranate Blue

Orange Mango

Super Fruit Punch

Cranberry Lemonade

Limeade

Honest Kids/Tea 64 oz. PET

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64 oz Just Green Tea

Honest Tea 16 oz. Glass

Assam Black Tea

Black Forest Berry

Classic Green

Community Green

Green Dragon Tea

Heavenly Lemon Tulsi

Jasmine Green Energy

Just Black Tea

Just Green Tea

Lori's Lemon

Mango Acai White Tea

Moroccan Mint Tea

Peach Oolong

Pomegranate Red Tea with Goji Berry

NEW! Raspberry Fields

Honest Kids 6.75 oz. Pouch

Super Fruit Punch

Appley Ever After

Berry Berry Good Lemonade

Goodness Grapeness

Tropical Tango Punch

Honest Tea Store Locator • Buy Online • Honest Tea Bags

HONEST

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Honest Kids 6.75 oz. Pouch

Super Fruit Punch

Appley Ever After

Berry Berry Good Lemonade

Goodness Grapeness

Tropical Tango Punch

Honest Tea Store Locator • Buy Online • Honest Tea Bags

HONEST

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NATURE GOT IT RIGHT. WE PUT IT IN A BOTTLE.™

www.honesttea.com/products/

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of **Royal Crown's Fifth Set of Requests for the Production of Documents and Things to The Coca-Cola Company** to be deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to counsel for Applicant, Bruce Baber, Esq., King & Spalding LLP, 1185 Avenue of the Americas, New York, NY 10036-4003, this 17th day of August, 2012.

Giselle C.W. Huron

EXHIBIT 10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ROYAL CROWN COMPANY, INC.,	)	
	)	Consolidated Proceedings:
	)	
Opposer,	)	OPPOSITION NO. 91178927
	)	OPPOSITION NO. 91180771
v.	)	OPPOSITION NO. 91180772
	)	OPPOSITION NO. 91183482
	)	OPPOSITION NO. 91185755
THE COCA-COLA COMPANY,	)	OPPOSITION NO. 91186579
	)	OPPOSITION NO. 91189847
	)	OPPOSITION NO. 91190658
Applicant.	)	

-- and --

THE COCA-COLA COMPANY,	)	
	)	
Opposer,	)	
	)	
v.	)	OPPOSITION NO. 91184434
	)	
ROYAL CROWN COMPANY, INC.,	)	
	)	
Applicant.	)	

RESPONSES OF THE COCA-COLA COMPANY
TO ROYAL CROWN'S FIFTH SET OF REQUESTS
FOR THE PRODUCTION OF DOCUMENTS AND THINGS

The Coca-Cola Company ("TCCC"), by and through its undersigned counsel and in accordance with Rule 34 of the Federal Rules of Civil Procedure and Rules 2.116 and 2.120 of the Trademark Rules of Practice, hereby responds as follows to "Royal Crown's Fifth Set Of Requests For The Production Of Documents And Things To The

Coca-Cola Company" ("RC's Fifth Document Requests"), served by Royal Crown Company, Inc. ("RC") on August 17, 2012.

GENERAL OBJECTIONS

1.

TCCC objects to RC's Fifth Document Requests, and each individual request contained therein, on the grounds that time within which new discovery could be initiated in these proceedings closed on April 24, 2010. *See, e.g.*, Stipulation And Motion To Correct And Extend Schedule, filed May 14, 2010 (showing that discovery period "Closed on April 24, 2010"). The subsequent extensions of the testimony periods and other scheduling dates in these proceedings that have been granted since April 2010 have been sought and granted on the premise that the parties would use the additional time to complete outstanding discovery, not initiate new discovery. *See, e.g.*, Joint Motion To Extend Schedule, filed August 13, 2010 (stating that additional time was needed "to conclude open discovery items"). Although the Board's July 19, 2012 and July 23, 2012 orders resuming proceedings and correcting the schedule herein included a "discovery closes" date of August 17, 2012, neither party had requested a reopening of the discovery period or requested leave to initiate additional discovery; the Board has not entered any orders that explicitly allow for any such new or additional discovery; and RC did not discuss with TCCC the service of any additional discovery before serving RC's Fifth Document Requests or obtain TCCC's consent thereto. TCCC therefore believes that RC's Fifth Document Requests, served on August 17, 2012, is untimely and was not served during the period in which new discovery could properly be initiated.

2.

Notwithstanding the above objection, TCCC is prepared to discuss in good faith with RC's counsel whether TCCC is willing to provide to RC certain additional documents and/or information relating to the matters that are the subject of RC's Fifth Document Requests, to the extent those matters raise issues that are new, are material and were not covered by prior discovery requests.

RESPONSES TO DOCUMENT REQUESTS

Subject to and without waiving any of the foregoing general objections, TCCC responds as follows to RC's separately-numbered document requests:

REQUEST NO. 72:

All press releases Concerning the product(s) offered or to be offered under the HONEST ZERO Marks.

RESPONSE TO REQUEST NO. 72:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 72.

REQUEST NO. 73:

Documents Concerning the characteristics of the product(s) offered or to be offered under the HONEST ZERO Marks.

RESPONSE TO REQUEST NO. 73:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 73.

REQUEST NO. 74:

Documents Concerning the market positioning of the product(s) offered or to be offered under the HONEST ZERO Marks.

RESPONSE TO REQUEST NO. 74:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 74.

REQUEST NO. 75:

Documents sufficient to evidence the calorie, sugar, carbohydrate or fat content of each product offered or to be offered under the HONEST ZERO Marks.

RESPONSE TO REQUEST NO. 75:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 75.

REQUEST NO. 76:

For each advertising media used or planned to be used (*e.g.*, print, television, radio, internet, outdoor, point-of-sale), representative samples of publicly-disseminated or planned advertisements for product(s) offered or to be offered under the HONEST ZERO Marks.

RESPONSE TO REQUEST NO. 76:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 76.

REQUEST NO. 77:

All Documents Concerning the development and selection of the HONEST ZERO Marks.

RESPONSE TO REQUEST NO. 77:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 77.

REQUEST NO. 78:

Documents (including financial, accounting or corporate records) sufficient to establish TCCC's total sales in dollars and units, for each year (or portion thereof), of goods sold under the HONEST ZERO Marks.

RESPONSE TO REQUEST NO. 78:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 78.

REQUEST NO. 79:

Documents (including financial, accounting or corporate records) sufficient to establish the amount of money spent by TCCC, for each year (or portion thereof), to advertise, market, promote or otherwise publicize the HONEST ZERO Marks or goods offered thereunder.

RESPONSE TO REQUEST NO. 79:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 79.

REQUEST NO. 80:

All Documents Concerning the development and selection of the VITAMIN WATER ZERO mark.

RESPONSE TO REQUEST NO. 80:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 80.

REQUEST NO. 81:

Documents (including financial, accounting or corporate records) sufficient to establish TCCC's total sales in dollars and units, for each year (or portion thereof), of goods sold under the VITAMIN WATER ZERO mark.

RESPONSE TO REQUEST NO. 81:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 81.

REQUEST NO. 82:

Documents (including financial, accounting or corporate records) sufficient to establish the amount of money spent by TCCC, for each year (or portion thereof), to advertise, market, promote or otherwise publicize the VITAMIN WATER ZERO mark or goods offered thereunder.

RESPONSE TO REQUEST NO. 82:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 82.

REQUEST NO. 83:

All Documents Concerning the development and selection of the VITAMINWATER10 mark.

RESPONSE TO REQUEST NO. 83:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 83.

REQUEST NO. 84:

All press releases Concerning the product(s) offered or to be offered under the VITAMINWATER10 mark.

RESPONSE TO REQUEST NO. 84:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 84.

REQUEST NO. 85:

Documents Concerning the characteristics of the product(s) offered or to be offered under the VITAMINWATER10 mark.

RESPONSE TO REQUEST NO. 85:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 85.

REQUEST NO. 86:

Documents Concerning the market positioning of the product(s) offered or to be offered under the VITAMINWATER10 mark.

RESPONSE TO REQUEST NO. 86:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 86.

REQUEST NO. 87:

Documents sufficient to evidence the calorie, sugar, carbohydrate or fat content of each product offered or to be offered under the VITAMINWATER10 mark.

RESPONSE TO REQUEST NO. 87:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 87.

REQUEST NO. 88:

For each advertising media used or planned to be used (*e.g.*, print, television, radio, internet, outdoor, point-of-sale), representative samples of publicly-disseminated or planned advertisements for product(s) offered or to be offered under the VITAMINWATER10 mark.

RESPONSE TO REQUEST NO. 88:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 88.

REQUEST NO. 89:

Documents sufficient to substantiate TCCC's use of the registered trademark symbol ® in connection with the phrase HONEST ZERO on Honest Tea Inc.'s website, as shown in Exhibit 2 hereto.

RESPONSE TO REQUEST NO. 89:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 89.

REQUEST NO. 90:

All Documents Concerning the ABA Advertising Campaign.

RESPONSE TO REQUEST NO. 90:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 90.

This 12th day of October, 2010.

KING & SPALDING LLP

Bruce W. Baber
Emily B. Brown

1180 Peachtree Street
Atlanta, Georgia 30309
Telephone: 404-572-4600
Facsimile: 404-572-5134

Attorneys for Applicant and Opposer
THE COCA-COLA COMPANY

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing Responses Of The Coca-Cola Company To Royal Crown's Fourth Set Of Requests For The Production Of Documents And Things in the above-captioned matter upon Royal Crown Company, Inc., by causing a true and correct copy thereof to be deposited in the United States Mail, postage prepaid, addressed to counsel of record for Royal Crown Company, Inc. as follows:

Ms. Barbara A. Solomon
Ms. Laura Popp-Rosenberg
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, New York 10017

This 12th day of October, 2012.

Bruce W. Baber

EXHIBIT 11

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

ROYAL CROWN COMPANY, INC.,	:	
Opposer,	:	Consolidated Proceedings:
	:	Opposition No. 91178927
- against -	:	Opposition No. 91180771
	:	Opposition No. 91180772
THE COCA-COLA COMPANY,	:	
Applicant.	:	

OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSION

Pursuant to Rule 2.120(h) of the Trademark Rules of Practice and Rule 36 of the Federal Rules of Civil Procedure, opposer Royal Crown Company, Inc. requests that applicant The Coca-Cola Company admit the truth of the following matters by providing written responses thereto to Fross Zelnick Lehrman & Zissu, P.C., 866 United Nations Plaza, New York, New York 10017, Attention: Laura Popp-Rosenberg, within the time specified by the Trademark Rules of Practice and the Federal Rules of Civil Procedure.

DEFINITIONS

A. "Applicant" means The Coca-Cola Company and any company controlled by or affiliated with it; any division, parent, subsidiary, licensee, franchisee, successor, predecessor-in-interest, assign or other related business entity; and every officer, employee, agent, attorney or other person acting or purporting to act on its behalf or through whom it acts or has acted, and the predecessors or successors of any of them.

B. "Concerning" means relating to, referring to, describing, evidencing or constituting.

C. "Opposer " means Royal Crown Company, Inc.

D. "PTO" means the United States Patent and Trademark Office.

E. "Sugar" or "sugars" means any free mono- or disaccharide(s), such as glucose, fructose, lactose, or sucrose.

INSTRUCTIONS

1. If Applicant fails specifically to admit or deny any of the Requests for Admission (the "Requests," and each, a "Request"), or to set forth with particularity the reasons why it cannot admit or deny the given Request, the Request will be deemed admitted.

2. These Requests seek responses from Applicant that are complete and fully responsive as of the date the responses are executed, and which reflect or embody all relevant information and documentation within the custody or control of Applicant as of that date. Should Registrant later learn that any response was incomplete or incorrect when made, or although correct when made is no longer accurate, Registrant should timely supplement the response as required by Rule 26 of the Federal Rules of Civil Procedure.

3. No part of a Request shall be left unanswered merely because an objection is interposed as to any part thereof. Where Applicant makes an objection to any Request, Applicant should make the objection in writing and state all grounds with specificity.

4. For the convenience of the Board and the parties, Applicant should quote each Request in full immediately preceding the response.

REQUESTS FOR ADMISSION

1. Applicant does not claim that ZERO as used in the mark COCA-COLA ZERO is inherently distinctive.

2. Applicant does not claim that ZERO as used in the mark COKE ZERO is inherently distinctive.

3. Applicant does not claim that ZERO as used in the mark SPRITE ZERO is inherently distinctive.

4. Applicant does not have any evidence to show that ZERO as used in the mark COCA-COLA ZERO is inherently distinctive.

5. Applicant does not have any evidence to show that ZERO as used in the mark COKE ZERO is inherently distinctive.

6. Applicant does not have any evidence to show that ZERO as used in the mark SPRITE ZERO is inherently distinctive.

7. Some advertisements for beverages sold under the mark COCA-COLA ZERO state that such beverages have "zero calories."

8. Some advertisements for beverages sold under the mark COKE ZERO state that such beverages have "zero calories."

9. Some advertisements for beverages sold under the mark SPRITE ZERO state that such beverages have "zero calories."

10. Some advertisements for beverages sold under the mark COCA-COLA ZERO state that such beverages have "zero sugar."

11. Some advertisements for beverages sold under the mark COKE ZERO state that such beverages have "zero sugar."

12. Some advertisements for beverages sold under the mark SPRITE ZERO state that such beverages have "zero sugar."

13. Some advertisements for beverages sold under the mark COCA-COLA ZERO state that such beverages have "zero carbs."

14. Some advertisements for beverages sold under the mark COKE ZERO state that such beverages have "zero carbs."

15. Some advertisements for beverages sold under the mark SPRITE ZERO state that such beverages have "zero carbs."

16. Some press releases issued by Applicant concerning beverages sold under the mark COCA-COLA ZERO state that such beverages have "zero calories."

17. Some press releases issued by Applicant concerning beverages sold under the mark COKE ZERO state that such beverages have "zero calories."

18. Some press releases issued by Applicant concerning beverages sold under the mark SPRITE ZERO state that such beverages have "zero calories."

19. Some press releases issued by Applicant concerning beverages sold under the mark COCA-COLA ZERO state that such beverages have "zero sugar."

20. Some press releases issued by Applicant concerning beverages sold under the mark COKE ZERO state that such beverages have "zero sugar."

21. Some press releases issued by Applicant concerning beverages sold under the mark SPRITE ZERO state that such beverages have "zero sugar."

22. Some press releases issued by Applicant concerning beverages sold under the mark COCA-COLA ZERO state that such beverages have "zero carbs."

23. Some press releases issued by Applicant concerning beverages sold under the mark COKE ZERO state that such beverages have "zero carbs."

24. Some press releases issued by Applicant concerning beverages sold under the mark SPRITE ZERO state that such beverages have "zero carbs."

25. The "Nutrition Facts" table printed on beverage products sold under the mark COCA-COLA ZERO states that such beverages have zero calories per serving.

26. The "Nutrition Facts" table printed on beverage products sold under the mark COCA-COLA ZERO states that such beverages have zero carbohydrates per serving.

27. The "Nutrition Facts" table printed on beverage products sold under the mark COCA-COLA ZERO states that such beverages have zero sugars per serving.

28. The "Nutrition Facts" table printed on beverage products sold under the mark COKE ZERO states that such beverages have zero calories per serving.

29. The "Nutrition Facts" table printed on beverage products sold under the mark COKE ZERO states that such beverages have zero carbohydrates per serving.

30. The "Nutrition Facts" table printed on beverage products sold under the mark COKE ZERO states that such beverages have zero sugars per serving.

31. The "Nutrition Facts" table printed on beverage products sold under the mark SPRITE ZERO states that such beverages have zero calories per serving.

32. The "Nutrition Facts" table printed on beverage products sold under the mark SPRITE ZERO states that such beverages have zero carbohydrates per serving.

33. The "Nutrition Facts" table printed on beverage products sold under the mark SPRITE ZERO states that such beverages have zero sugars per serving.

34. Applicant has no evidence that consumers who see the term ZERO, standing alone, used in connection with soft drinks associate the term exclusively with Applicant.

35. At the time Applicant adopted ZERO as a part of its COCA-COLA ZERO mark, Applicant was aware of at least one third party who used the term ZERO in connection with the marketing of beverages with less than five calories per serving.

36. At the time Applicant adopted ZERO as a part of its COKE ZERO mark, Applicant was aware of at least one third party who used the term ZERO in connection with the marketing of beverages with less than five calories per serving.

37. At the time Applicant adopted ZERO as a part of its SPRITE ZERO mark, Applicant was aware of at least one third party that used the term ZERO in connection with the marketing of beverages with less than five calories per serving.

38. At the time Applicant adopted the term ZERO as part of its COCA-COLA ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the sale of beverages with less than 0.5 grams of carbohydrates per serving.

39. At the time Applicant adopted the term ZERO as part of its COCA-COLA ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the marketing of beverages with less than 0.5 grams of carbohydrates per serving.

40. At the time Applicant adopted the term ZERO as part of its COCA-COLA ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the sale of beverages with less than one gram of sugar per serving.

41. At the time Applicant adopted the term ZERO as part of its COCA-COLA ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the marketing of beverages with less than one gram of sugar per serving.

42. At the time Applicant adopted the term ZERO as part of its COKE ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the sale of beverages with less than 0.5 gram of carbohydrates per serving.

43. At the time Applicant adopted the term ZERO as part of its COKE ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the marketing of beverages with less than 0.5 grams of carbohydrates per serving.

44. At the time Applicant adopted the term ZERO as part of its COKE ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the sale of beverages with less than one gram of sugar per serving.

45. At the time Applicant adopted the term ZERO as part of its COKE ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the marketing of beverages with less than one gram of sugar per serving.

46. At the time Applicant adopted the term ZERO as part of its SPRITE ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the sale of beverages with less than 0.5 grams of carbohydrates per serving.

47. At the time Applicant adopted the term ZERO as part of its SPRITE ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the marketing of beverages with less than 0.5 grams of carbohydrates per serving.

48. At the time Applicant adopted the term ZERO as part of its SPRITE ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the sale of beverages with less than one gram of sugar per serving.

49. At the time Applicant adopted the term ZERO as part of its SPRITE ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the marketing of beverages with less than one gram of sugar per serving.

50. Applicant has never sold products under the mark ZERO standing alone.

51. Applicant has never included the term "ZERO" as part of a mark for a beverage containing more than five calories per serving.

52. Applicant intends beverages sold under the COCA-COLA ZERO mark to appeal to consumers seeking a soft drink with zero calories.

53. Applicant intends beverages sold under the COCA-COLA ZERO mark to appeal to consumers seeking a low calorie soft drink.

54. Applicant intends beverages sold under the COKE ZERO mark to appeal to consumers seeking a soft drink with zero calories.

55. Applicant intends beverages sold under the COKE ZERO mark to appeal to consumers seeking a low calorie soft drink.

56. Applicant intends beverages sold under the SPRITE ZERO mark to appeal to consumers seeking a soft drink with zero calories.

57. Applicant intends beverages sold under the SPRITE ZERO mark to appeal to consumers seeking a low calorie soft drink.

Dated: New York, New York
February 25, 2008

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: _____
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866 United Nations Plaza
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Attorneys for Opposer Royal Crown Co., Inc.

{F0218301.2 }

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of **Opposer's First Set of Requests for Admission** to be deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to counsel for Applicant, Bruce Baber, Esq., King & Spalding LLP, 1185 Avenue of the Americas, New York, NY 10036-4003, this 25th day of February, 2008.

Laura Popp-Rosenberg

{F0218301.2 }

EXHIBIT 12

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

ROYAL CROWN COMPANY, INC.,	)	
	)	
Opposer,	)	Consolidated Proceedings:
	)	
v.	)	Opposition No. 91178927
	)	Opposition No. 91180771
THE COCA-COLA COMPANY,	)	Opposition No. 91180772
	)	
Applicant.	)	

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

Applicant The Coca-Cola Company ("TCCC"), by and through its undersigned counsel and in accordance with Rule 36 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, hereby responds as follows to "Opposer's First Set Of Requests For Admission" ("Opposer's Requests for Admission") served by Opposer Royal Crown Company, Inc. ("Opposer") on February 25, 2008.

GENERAL OBJECTIONS

1.

TCCC objects to Opposer's Requests for Admission, and the "Definitions" and "Instructions" contained therein, to the extent that they can be construed to

impose on TCCC obligations greater than or different from those imposed by the applicable Federal Rules of Civil Procedure and the Trademark Rules of Practice. TCCC responds herein to Opposer's Requests for Admission in accordance with those rules and not necessarily in accordance with Opposer's instructions.

2.

TCCC objects to Opposer's Requests for Admission to the extent they seek information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Such information shall not be provided in response to Opposer's Requests for Admission, and any inadvertent disclosure thereof shall not be deemed a waiver of any privilege or protection with respect to such information.

3.

TCCC objects to Opposer's Requests for Admission to the extent that they seek information that is neither relevant to the subject matter involved in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

4.

TCCC objects to Opposer's Requests for Admission to the extent that they are overbroad, unduly burdensome, redundant and unreasonable in scope.

5.

The following responses reflect and are based on TCCC's present knowledge, information and belief and may be subject to change or modification based on TCCC's further investigation, on further discovery, or on facts and circumstances that may come to TCCC's knowledge after the date of service of these responses.

RESPONSES AND OBJECTIONS

Subject to and without waiving any of the foregoing General Objections, TCCC responds as follows to Opposer's separately-numbered requests:

1.

Applicant does not claim that ZERO as used in the mark COCA-COLA ZERO is inherently distinctive.

Response: TCCC objects to Request No. 1 on the grounds that the phrase "as used in the mark" is vague and ambiguous. TCCC also objects to this request on the grounds that it is vague and ambiguous as purporting to request the admission of a negative.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 1.

2.

Applicant does not claim that ZERO as used in the mark COKE ZERO is inherently distinctive.

Response: TCCC objects to Request No. 2 on the grounds that the phrase "as used in the mark" is vague and ambiguous. TCCC also objects to this request on the grounds that it is vague and ambiguous as purporting to request the admission of a negative.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 2.

3.

Applicant does not claim that ZERO as used in the mark SPRITE ZERO is inherently distinctive.

Response: TCCC objects to Request No. 3 on the grounds that the phrase "as used in the mark" is vague and ambiguous. TCCC also objects to this request on the grounds that it is vague and ambiguous as purporting to request the admission of a negative.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 3.

4.

Applicant does not have any evidence to show that ZERO as used in the mark COCA-COLA ZERO is inherently distinctive.

Response: TCCC objects to Request No. 4 on the grounds that the phrase "as used in the mark" is vague and ambiguous. TCCC also objects to this request on the grounds that it is vague and ambiguous as purporting to request the admission of a negative.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 4.

5.

Applicant does not have any evidence to show that ZERO as used in the mark COKE ZERO is inherently distinctive.

Response: TCCC objects to Request No. 5 on the grounds that the phrase "as used in the mark" is vague and ambiguous. TCCC also objects to this request on the grounds that it is vague and ambiguous as purporting to request the admission of a negative.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 5.

6.

Applicant does not have any evidence to show that ZERO as used in the mark SPRITE ZERO is inherently distinctive.

Response: TCCC objects to Request No. 6 on the grounds that the phrase "as used in the mark" is vague and ambiguous. TCCC also objects to this request

on the grounds that it is vague and ambiguous as purporting to request the admission of a negative.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 6.

7.

Some advertisements for beverages sold under the mark COCA-COLA ZERO state that such beverages have "zero calories."

Response: TCCC objects to Request No. 7 on the grounds that the request is vague, ambiguous and potentially misleading, and on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 7 as stated. In further response to Request No. 7, TCCC admits that the phrase "zero calories" has been used or is being used in advertisements and/or promotional materials in the United States for TCCC's COCA-COLA ZERO / COKE ZERO beverage products separate and apart from, and in addition to, TCCC's use of the marks COCA-COLA ZERO and/or COKE ZERO.

8.

Some advertisements for beverages sold under the mark COKE ZERO state that such beverages have "zero calories."

Response: TCCC objects to Request No. 8 on the grounds that the request is vague, ambiguous and potentially misleading, and on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 8 as stated. In further response to Request No. 8, TCCC admits that the phrase "zero calories" has been used or is being used in advertisements and/or promotional materials in the United States for TCCC's COKE ZERO / COCA-COLA ZERO beverage products separate and apart from, and in addition to, TCCC's use of the marks COKE ZERO and/or COCA-COLA ZERO.

9.

Some advertisements for beverages sold under the mark SPRITE ZERO state that such beverages have "zero calories."

Response: TCCC objects to Request No. 9 on the grounds that the request is vague, ambiguous and potentially misleading, and on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 9 as stated. In further response to Request No. 9, TCCC admits that the phrase "zero calories" has been used or is being used in advertisements and/or promotional materials in the United States for TCCC's SPRITE ZERO beverage

products separate and apart from, and in addition to, TCCC's use of the mark SPRITE ZERO.

10.

Some advertisements for beverages sold under the mark COCA-COLA ZERO state that such beverages have "zero sugar."

Response: TCCC objects to Request No. 10 on the grounds that the request is vague, ambiguous and potentially misleading, and on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 10 as stated. In further response to Request No. 10, TCCC admits that the phrase "zero sugar" has been used or is being used in advertisements and/or promotional materials in the United States for TCCC's COCA-COLA ZERO / COKE ZERO beverage products separate and apart from, and in addition to, TCCC's use of the marks COCA-COLA ZERO and/or COKE ZERO.

11.

Some advertisements for beverages sold under the mark COKE ZERO state that such beverages have "zero sugar."

Response: TCCC objects to Request No. 11 on the grounds that the request is vague, ambiguous and potentially misleading, and on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 11 as stated. In further response to Request No. 11, TCCC admits that the phrase "zero sugar" has been used or is being used in advertisements and/or promotional materials in the United States for TCCC's COKE ZERO / COCA-COLA ZERO beverage products separate and apart from, and in addition to, TCCC's use of the marks COKE ZERO and/or COCA-COLA ZERO.

12.

Some advertisements for beverages sold under the mark SPRITE ZERO state that such beverages have "zero sugar."

Response: TCCC objects to Request No. 12 on the grounds that the request is vague, ambiguous and potentially misleading, and on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 12 as stated. In further response to Request No. 12, TCCC admits that the phrase "zero sugar" has been used or is being used in advertisements and/or promotional materials in the United States for TCCC's SPRITE ZERO beverage products separate and apart from, and in addition to, TCCC's use of the mark SPRITE ZERO.

13.

Some advertisements for beverages sold under the mark COCA-COLA ZERO state that such beverages have "zero carbs."

Response: TCCC objects to Request No. 13 on the grounds that the request is vague, ambiguous and potentially misleading, and on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 13 as stated. TCCC's investigation of the subject matter of Request No. 13 is continuing, and TCCC reserves the right to supplement this response if necessary based on the results of TCCC's continuing investigation.

14.

Some advertisements for beverages sold under the mark COKE ZERO state that such beverages have "zero carbs."

Response: TCCC objects to Request No. 14 on the grounds that the request is vague, ambiguous and potentially misleading, and on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 14 as stated. TCCC's investigation of the subject matter of Request No. 14 is continuing, and TCCC reserves the right to supplement this response if necessary based on the results of TCCC's continuing investigation.

15.

Some advertisements for beverages sold under the mark SPRITE ZERO state that such beverages have "zero carbs."

Response: TCCC objects to Request No. 15 on the grounds that the request is vague, ambiguous and potentially misleading, and on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 15 as stated. TCCC's investigation of the subject matter of Request No. 15 is continuing, and TCCC reserves the right to supplement this response if necessary based on the results of TCCC's continuing investigation.

16.

Some press releases issued by Applicant concerning beverages sold under the mark COCA-COLA ZERO state that such beverages have "zero calories."

Response: TCCC objects to Request No. 16 on the grounds that the request is vague, ambiguous and potentially misleading. TCCC further objects to the request on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 16 as stated. In further response to Request No. 16, TCCC admits that the phrase "zero calories" has been used in press releases issued by TCCC in the

United States concerning its COCA-COLA ZERO / COKE ZERO beverage products separate and apart from TCCC's use of the marks COCA-COLA ZERO and/or COKE ZERO.

17.

Some press releases issued by Applicant concerning beverages sold under the mark COKE ZERO state that such beverages have "zero calories."

Response: TCCC objects to Request No. 17 on the grounds that the request is vague, ambiguous and potentially misleading. TCCC further objects to the request on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 17 as stated. In further response to Request No. 17, TCCC admits that the phrase "zero calories" has been used in press releases issued by TCCC in the United States concerning its COKE ZERO / COCA-COLA ZERO beverage products separate and apart from TCCC's use of the marks COKE ZERO and/or COCA-COLA ZERO.

18.

Some press releases issued by Applicant concerning beverages sold under the mark SPRITE ZERO state that such beverages have "zero calories."

Response: TCCC objects to Request No. 18 on the grounds that the request is vague, ambiguous and potentially misleading. TCCC further objects to the request on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 18 as stated. TCCC's investigation of the subject matter of Request No. 18 is continuing, and TCCC reserves the right to supplement this response if necessary based on the results of TCCC's continuing investigation.

19.

Some press releases issued by Applicant concerning beverages sold under the mark COCA-COLA ZERO state that such beverages have "zero sugar."

Response: TCCC objects to Request No. 19 on the grounds that the request is vague, ambiguous and potentially misleading. TCCC further objects to the request on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 19 as stated. TCCC's investigation of the subject matter of Request No. 19 is continuing, and TCCC reserves the right to supplement this response if necessary based on the results of TCCC's continuing investigation.

20.

Some press releases issued by Applicant concerning beverages sold under the mark COKE ZERO state that such beverages have "zero sugar."

Response: TCCC objects to Request No. 20 on the grounds that the request is vague, ambiguous and potentially misleading. TCCC further objects to the request on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 20 as stated. TCCC's investigation of the subject matter of Request No. 20 is continuing, and TCCC reserves the right to supplement this response if necessary based on the results of TCCC's continuing investigation.

21.

Some press releases issued by Applicant concerning beverages sold under the mark SPRITE ZERO state that such beverages have "zero sugar."

Response: TCCC objects to Request No. 21 on the grounds that the request is vague, ambiguous and potentially misleading. TCCC further objects to the request on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 21 as stated. TCCC's investigation of the subject matter of Request

No. 21 is continuing, and TCCC reserves the right to supplement this response if necessary based on the results of TCCC's continuing investigation.

22.

Some press releases issued by Applicant concerning beverages sold under the mark COCA-COLA ZERO state that such beverages have "zero carbs."

Response: TCCC objects to Request No. 22 on the grounds that the request is vague, ambiguous and potentially misleading. TCCC further objects to the request on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 22 as stated. TCCC's investigation of the subject matter of Request No. 22 is continuing, and TCCC reserves the right to supplement this response if necessary based on the results of TCCC's continuing investigation.

23.

Some press releases issued by Applicant concerning beverages sold under the mark COKE ZERO state that such beverages have "zero carbs."

Response: TCCC objects to Request No. 23 on the grounds that the request is vague, ambiguous and potentially misleading. TCCC further objects to the request on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 23 as stated. TCCC's investigation of the subject matter of Request No. 23 is continuing, and TCCC reserves the right to supplement this response if necessary based on the results of TCCC's continuing investigation.

24.

Some press releases issued by Applicant concerning beverages sold under the mark SPRITE ZERO state that such beverages have "zero carbs."

Response: TCCC objects to Request No. 24 on the grounds that the request is vague, ambiguous and potentially misleading. TCCC further objects to the request on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 24 as stated. TCCC's investigation of the subject matter of Request No. 24 is continuing, and TCCC reserves the right to supplement this response if necessary based on the results of TCCC's continuing investigation.

25.

The "Nutrition Facts" table printed on beverage products sold under the mark COCA-COLA ZERO states that such beverages have zero calories per serving.

Response: TCCC objects to Request No. 25 on the grounds that the request is vague and ambiguous. TCCC also objects to the request on the grounds that the

term "states" is undefined and unclear within the context of the request. TCCC further objects to the request on the grounds that it fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 25 as stated. In further response to Request No. 25, TCCC admits that the "Nutrition Facts" table printed on COCA-COLA ZERO / COKE ZERO products sold in the United States displays the number "0" to the right of the word "Calories," namely, "Calories 0" to indicate the number of calories per serving size.

26.

The "Nutrition Facts" table printed on beverage products sold under the mark COCA-COLA ZERO states that such beverages have zero carbohydrates per serving.

Response: TCCC objects to Request No. 26 on the grounds that the request is vague and ambiguous. TCCC also objects to the request on the grounds that the term "states" is undefined and unclear within the context of the request. TCCC further objects to the request on the grounds that it fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 26 as stated. In further response to Request No. 26, TCCC admits that

the "Nutrition Facts" table printed on COCA-COLA ZERO / COKE ZERO products sold in the United States displays the number "0" and the letter "g" to the right of the words "Total Carb," namely, "Total Carb 0g" to indicate the number of carbohydrates per serving size.

27.

The "Nutrition Facts" table printed on beverage products sold under the mark COCA-COLA ZERO states that such beverages have zero sugars per serving.

Response: TCCC objects to Request No. 27 on the grounds that the request is vague and ambiguous. TCCC also objects to the request on the grounds that the term "states" is undefined and unclear within the context of the request. TCCC further objects to the request on the grounds that it fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 27 as stated. In further response to Request No. 27, TCCC admits that the "Nutrition Facts" table printed on COCA-COLA ZERO / COKE ZERO products sold in the United States contains the following phrase to indicate the amount of sugars, among other things, per serving size: "Not a significant source of fat cal., sat. fat, trans fat, cholest., fiber, sugars, vitamin A, vitamin C, calcium and iron."

28.

The "Nutrition Facts" table printed on beverage products sold under the mark COKE ZERO states that such beverages have zero calories per serving.

Response: TCCC objects to Request No. 28 on the grounds that the request is vague and ambiguous. TCCC also objects to the request on the grounds that the term "states" is undefined and unclear within the context of the request. TCCC further objects to the request on the grounds that it fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 28 as stated. In further response to Request No. 28, TCCC admits that the "Nutrition Facts" table printed on COKE ZERO / COCA-COLA ZERO products sold in the United States displays the number "0" to the right of the word "Calories," namely, "Calories 0" to indicate the number of calories per serving size.

29.

The "Nutrition Facts" table printed on beverage products sold under the mark COKE ZERO states that such beverages have zero carbohydrates per serving.

Response: TCCC objects to Request No. 29 on the grounds that the request is vague and ambiguous. TCCC also objects to the request on the grounds that the term "states" is undefined and unclear within the context of the request. TCCC

further objects to the request on the grounds that it fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 29 as stated. In further response to Request No. 29, TCCC admits that the "Nutrition Facts" table printed on COKE ZERO / COCA-COLA ZERO products sold in the United States displays the number "0" and the letter "g" to the right of the words "Total Carb," namely, "Total Carb 0g" to indicate the number of carbohydrates per serving size.

30.

The "Nutrition Facts" table printed on beverage products sold under the mark COKE ZERO states that such beverages have zero sugars per serving.

Response: TCCC objects to Request No. 30 on the grounds that the request is vague and ambiguous. TCCC also objects to the request on the grounds that the term "states" is undefined and unclear within the context of the request. TCCC further objects to the request on the grounds that it fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 30 as stated. In further response to Request No. 30, TCCC admits that the "Nutrition Facts" table printed on COKE ZERO / COCA-COLA ZERO products sold in the United States contains the following phrase to indicate the

amount of sugars, among other things, per serving size: "Not a significant source of fat cal., sat. fat, trans fat, cholest., fiber, sugars, vitamin A, vitamin C, calcium and iron."

31.

The "Nutrition Facts" table printed on beverage products sold under the mark SPRITE ZERO states that such beverages have zero calories per serving.

Response: TCCC objects to Request No. 31 on the grounds that the request is vague and ambiguous. TCCC also objects to the request on the grounds that the term "states" is undefined and unclear within the context of the request. TCCC further objects to the request on the grounds that it fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 31 as stated. In further response to Request No. 31, TCCC admits that the "Nutrition Facts" table printed on SPRITE ZERO products sold in the United States displays the number "0" to the right of the word "Calories," namely, "Calories 0" to indicate the number of calories per serving size.

32.

The "Nutrition Facts" table printed on beverage products sold under the mark SPRITE ZERO states that such beverages have zero carbohydrates per serving.

Response: TCCC objects to Request No. 32 on the grounds that the request is vague and ambiguous. TCCC also objects to the request on the grounds that the term "states" is undefined and unclear within the context of the request. TCCC further objects to the request on the grounds that it fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 32 as stated. In further response to Request No. 32, TCCC admits that the "Nutrition Facts" table printed on SPRITE ZERO products sold in the United States displays the number "0" and the letter "g" to the right of the words "Total Carb," namely, "Total Carb 0g" to indicate the number of carbohydrates per serving size.

33.

The "Nutrition Facts" table printed on beverage products sold under the mark SPRITE ZERO states that such beverages have zero sugars per serving.

Response: TCCC objects to Request No. 33 on the grounds that the request is vague and ambiguous. TCCC also objects to the request on the grounds that the term "states" is undefined and unclear within the context of the request. TCCC further objects to the request on the grounds that it fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 33 as stated. In further response to Request No. 33, TCCC admits that the "Nutrition Facts" table printed on SPRITE ZERO products sold in the United States contains the following phrase to indicate the amount of sugars, among other things, per serving size: "Not a significant source of fat cal., sat. fat, trans fat, cholest., fiber, sugars, vitamin A, vitamin C, calcium and iron."

34.

Applicant has no evidence that consumers who see the term ZERO, standing alone, used in connection with soft drinks associate the term exclusively with Applicant.

Response: TCCC objects to Request No. 34 on the grounds that the request is vague and ambiguous, the meaning of the phrase beginning "who see the term" is unclear within the context of the request, and the meaning of the phrase beginning "used in connection with" is unclear within the context of the request. TCCC also objects to this request on the grounds that it is vague and ambiguous as purporting to request the admission of a negative. TCCC further objects to this request on the grounds that it fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 34 as stated.

35.

At the time Applicant adopted ZERO as a part of its COCA-COLA ZERO mark, Applicant was aware of at least one third party who used the term ZERO in connection with the marketing of beverages with less than five calories per serving.

Response: TCCC objects to Request No. 35 on the grounds that the request is vague and ambiguous, the meaning of the phrase beginning "as a part of" is vague and ambiguous, and the meaning of the phrase beginning "who used the term ZERO" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 35 as stated.

36.

At the time Applicant adopted ZERO as a part of its COKE ZERO mark, Applicant was aware of at least one third party who used the term ZERO in connection with the marketing of beverages with less than five calories per serving.

Response: TCCC objects to Request No. 36 on the grounds that the request is vague and ambiguous, the meaning of the phrase beginning "as a part of" is vague and ambiguous, and the meaning of the phrase beginning "who used the term ZERO" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 36 as stated.

37.

At the time Applicant adopted ZERO as a part of its SPRITE ZERO mark, Applicant was aware of at least one third party that used the term ZERO in connection with the marketing of beverages with less than five calories per serving.

Response: TCCC objects to Request No. 37 on the grounds that the request is vague and ambiguous, the meaning of the phrase beginning "as a part of" is vague and ambiguous, and the meaning of the phrase beginning "that used the term ZERO" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 37 as stated.

38.

At the time Applicant adopted the term ZERO as part of its COCA-COLA ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the sale of beverages with less than 0.5 grams of carbohydrates per serving.

Response: TCCC objects to Request No. 38 on the grounds that the request is vague and ambiguous, the meaning of the phrase beginning "as a part of" is vague and ambiguous, and the meaning of the phrase beginning "that used the term 'zero'" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 38 as stated.

39.

At the time Applicant adopted the term ZERO as part of its COCA-COLA ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the marketing of beverages with less than 0.5 grams of carbohydrates per serving.

Response: TCCC objects to Request No. 39 on the grounds that the request is vague and ambiguous, the meaning of the phrase beginning "as a part of" is vague and ambiguous, and the meaning of the phrase beginning "that used the term 'zero'" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 39 as stated.

40.

At the time Applicant adopted the term ZERO as part of its COCA-COLA ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the sale of beverages with less than one gram of sugar per serving.

Response: TCCC objects to Request No. 40 on the grounds that the request is vague and ambiguous, the meaning of the phrase beginning "as a part of" is vague and ambiguous, and the meaning of the phrase beginning "that used the term 'zero'" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 40 as stated.

41.

At the time Applicant adopted the term ZERO as part of its COCA-COLA ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the marketing of beverages with less than one gram of sugar per serving.

Response: TCCC objects to Request No. 41 on the grounds that the request is vague and ambiguous, the meaning of the phrase beginning "as a part of" is vague and ambiguous, and the meaning of the phrase beginning "that used the term 'zero'" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 41 as stated.

42.

At the time Applicant adopted the term ZERO as part of its COKE ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the sale of beverages with less than 0.5 gram of carbohydrates per serving.

Response: TCCC objects to Request No. 42 on the grounds that the request is vague and ambiguous, the meaning of the phrase beginning "as a part of" is vague and ambiguous, and the meaning of the phrase beginning "that used the term 'zero'" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 42 as stated.

43.

At the time Applicant adopted the term ZERO as part of its COKE ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the marketing of beverages with less than 0.5 grams of carbohydrates per serving.

Response: TCCC objects to Request No. 43 on the grounds that the request is vague and ambiguous, the meaning of the phrase beginning "as a part of" is vague and ambiguous, and the meaning of the phrase beginning "that used the term 'zero'" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 43 as stated.

44.

At the time Applicant adopted the term ZERO as part of its COKE ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the sale of beverages with less than one gram of sugar per serving.

Response: TCCC objects to Request No. 44 on the grounds that the request is vague and ambiguous, the meaning of the phrase beginning "as a part of" is vague and ambiguous, and the meaning of the phrase beginning "that used the term 'zero'" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 44 as stated.

45.

At the time Applicant adopted the term ZERO as part of its COKE ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the marketing of beverages with less than one gram of sugar per serving.

Response: TCCC objects to Request No. 45 on the grounds that the request is vague and ambiguous, the meaning of the phrase beginning "as a part of" is vague and ambiguous, and the meaning of the phrase beginning "that used the term 'zero'" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 45 as stated.

46.

At the time Applicant adopted the term ZERO as part of its SPRITE ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the sale of beverages with less than 0.5 grams of carbohydrates per serving.

Response: TCCC objects to Request No. 46 on the grounds that the request is vague and ambiguous, the meaning of the phrase beginning "as a part of" is vague and ambiguous, and the meaning of the phrase beginning "that used the term 'zero'" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 46 as stated.

47.

At the time Applicant adopted the term ZERO as part of its SPRITE ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the marketing of beverages with less than 0.5 grams of carbohydrates per serving.

Response: TCCC objects to Request No. 47 on the grounds that the request is vague and ambiguous, the meaning of the phrase beginning "as a part of" is vague and ambiguous, and the meaning of the phrase beginning "that used the term 'zero'" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 47 as stated.

48.

At the time Applicant adopted the term ZERO as part of its SPRITE ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the sale of beverages with less than one gram of sugar per serving.

Response: TCCC objects to Request No. 48 on the grounds that the request is vague and ambiguous, the meaning of the phrase beginning "as a part of" is vague and ambiguous, and the meaning of the phrase beginning "that used the term 'zero'" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 48 as stated.

49.

At the time Applicant adopted the term ZERO as part of its SPRITE ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the marketing of beverages with less than one gram of sugar per serving.

Response: TCCC objects to Request No. 49 on the grounds that the request is vague and ambiguous, the meaning of the phrase beginning "as a part of" is vague and ambiguous, and the meaning of the phrase beginning "that used the term 'zero'" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 49 as stated.

50.

Applicant has never sold products under the mark ZERO standing alone.

Response: TCCC objects to Request No. 50 on the grounds that it fails to specify a geographic scope. TCCC also objects to this request as vague and ambiguous as purporting to request the admission of a negative.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 50. TCCC states that TCCC's investigation of the subject matter of Request No. 50 is continuing, and TCCC reserves the right to supplement this response based on the results of TCCC's continuing investigation.

51.

Applicant has never included the term "ZERO" as part of a mark for a beverage containing more than five calories per serving.

Response: TCCC objects to Request No. 51 on the grounds that it fails to specify a geographic scope. TCCC also objects to this request as vague and ambiguous as purporting to request the admission of a negative.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 51. TCCC further states that TCCC's investigation of the subject matter of Request No. 51 is continuing, and TCCC reserves the right to supplement this response based on the results of TCCC's continuing investigation.

52.

Applicant intends beverages sold under the COCA-COLA ZERO mark to appeal to consumers seeking a soft drink with zero calories.

Response: TCCC objects to Request No. 52 on the grounds that the request is vague and ambiguous, and on the grounds that it is potentially misleading and incomplete.

Subject to and without waiving the foregoing objections, TCCC admits that its beverage products sold under the COCA-COLA ZERO mark appeal to consumers who are seeking, among other things, a soft drink with zero calories,

and that TCCC intends that its products appeal to the many different attributes of a product that consumers may be seeking.

53.

Applicant intends beverages sold under the COCA-COLA ZERO mark to appeal to consumers seeking a low calorie soft drink.

Response: TCCC objects to Request No. 53 on the grounds that the request is vague and ambiguous, and on the grounds that it is potentially misleading and incomplete.

Subject to and without waiving the foregoing objections, TCCC admits that its beverage products sold under the COCA-COLA ZERO mark appeal to consumers who are seeking, among other things, a low calorie soft drink, and that TCCC intends that its products appeal to the many different attributes of a product that consumers may be seeking.

54.

Applicant intends beverages sold under the COKE ZERO mark to appeal to consumers seeking a soft drink with zero calories.

Response: TCCC objects to Request No. 54 on the grounds that the request is vague and ambiguous, and on the grounds that it is potentially misleading and incomplete.

Subject to and without waiving the foregoing objections, TCCC admits that its beverage products sold under the COKE ZERO mark appeal to consumers who are seeking, among other things, a soft drink with zero calories, and that TCCC intends that its products appeal to the many different attributes of a product that consumers may be seeking.

55.

Applicant intends beverages sold under the COKE ZERO mark to appeal to consumers seeking a low calorie soft drink.

Response: TCCC objects to Request No. 55 on the grounds that the request is vague and ambiguous, and on the grounds that it is potentially misleading and incomplete.

Subject to and without waiving the foregoing objections, TCCC admits that its beverage products sold under the COKE ZERO mark appeal to consumers who are seeking, among other things, a low calorie soft drink, and that TCCC intends that its products appeal to the many different attributes of a product that consumers may be seeking.

56.

Applicant intends beverages sold under the SPRITE ZERO mark to appeal to consumers seeking a soft drink with zero calories.

Response: TCCC objects to Request No. 56 on the grounds that the request is vague and ambiguous, and on the grounds that it is potentially misleading and incomplete.

Subject to and without waiving the foregoing objections, TCCC admits that its beverage products sold under the SPRITE ZERO mark appeal to consumers who are seeking, among other things, a soft drink with zero calories, and that TCCC intends that its products appeal to the many different attributes of a product that consumers may be seeking.

57.

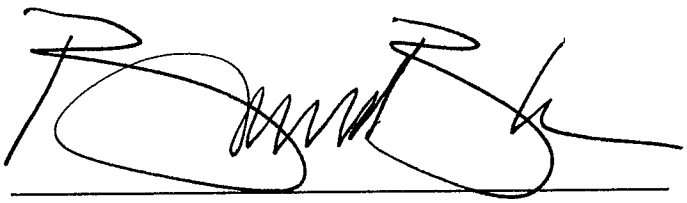
Applicant intends beverages sold under the SPRITE ZERO mark to appeal to consumers seeking a low calorie soft drink.

Response: TCCC objects to Request No. 57 on the grounds that the request is vague and ambiguous, and on the grounds that it is potentially misleading and incomplete.

Subject to and without waiving the foregoing objections, TCCC admits that its beverage products sold under the SPRITE ZERO mark appeal to consumers who are seeking, among other things, a low calorie soft drink, and that TCCC intends that its products appeal to the many different attributes of a product that consumers may be seeking.

This 31st day of March, 2008.

KING & SPALDING LLP



Bruce W. Baber
Emily Bienko Brown

1180 Peachtree Street
Atlanta, Georgia 30309
(404) 572-4600

Attorneys for Applicant
THE COCA-COLA COMPANY

CERTIFICATE OF SERVICE

This is to certify that I have this day served Applicant's Responses And Objections To Opposer's First Set Of Requests For Admission in the above-captioned matters upon opposer, by causing a true and correct copy thereof to be deposited in the United States Mail, postage prepaid, addressed to opposer's counsel of record as follows:

Ms. Laura Popp-Rosenberg
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, New York 10017

This 31st day of March, 2008.

Bruce W. Baber

EXHIBIT 13

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

ROYAL CROWN COMPANY, INC., RC, - against - THE COCA-COLA COMPANY, TCCC.	Consolidated Proceedings: Opposition No. 91178927 Opposition No. 91180771 Opposition No. 91180772 Opposition No. 91183482 Opposition No. 91185755 Opposition No. 91186579

--and--

THE COCA-COLA COMPANY, RC, - against - ROYAL CROWN COMPANY, INC., TCCC.	Consolidated Proceedings: Opposition No. 91184434

ROYAL CROWN'S SECOND SET OF REQUESTS FOR ADMISSION

Pursuant to Rule 2.120(h) of the Trademark Rules of Practice and Rule 36 of the Federal Rules of Civil Procedure, Royal Crown Company, Inc. requests that The Coca-Cola Company admit the truth of the following matters by providing written responses thereto to Fross Zelnick Lehrman & Zissu, P.C., 866 United Nations Plaza, New York, New York 10017, Attention: Laura Popp-Rosenberg, within the time specified by the Trademark Rules of Practice and the Federal Rules of Civil Procedure.

DEFINITIONS

The Definitions set forth or incorporated by reference in Royal Crown's Second Set of Requests for the Production of Documents and Things to The Coca-Cola Company are incorporated as if fully set forth herein.

INSTRUCTIONS

The Instructions set forth or incorporated by reference in Opposer's First Set of Requests for Admission are incorporated as if fully set forth herein.

REQUESTS FOR ADMISSION

58. TCCC has never objected to use of the mark DIET RITE in the United States by RC or a predecessor-in-interest.

59. TCCC has never objected to use of the mark DIET RITE in the United States by RC or a predecessor-in-interest on the basis of TCCC's rights in the mark DIET SPRITE.

60. TCCC has never objected to use of the mark DIET RITE in the United States by RC or a predecessor-in-interest on the basis of TCCC's rights in any mark including the term "diet."

61. TCCC has never objected to use of the mark DIET RITE in the United States by RC or a predecessor-in-interest on the basis of TCCC's rights in the mark SPRITE.

62. TCCC did not begin using the mark DIET SPRITE in the United States before 1983.

63. TCCC is aware of RC's use of the mark DIET RITE PURE ZERO in connection with beverage products.

64. TCCC is aware of RC's use of the mark PURE ZERO in connection with beverage products.

65. TCCC has been aware of RC's use of the mark DIET RITE PURE ZERO in connection with beverage products since 2004.

66. TCCC has been aware of RC's use of the mark PURE ZERO in connection with beverage products since 2004.

67. RC's beverage products bearing the mark DIET RITE PURE ZERO have been coexisting with beverage products bearing at least one of TCCC's Marks since 2004.

68. TCCC has never instituted a lawsuit to stop use RC's use of the mark DIET RITE PURE ZERO.

69. RC's beverage products bearing the mark PURE ZERO have been coexisting with beverage products bearing at least one of TCCC's Marks since 2004.

70. TCCC has never instituted a lawsuit to stop use RC's use of the mark PURE ZERO.

71. TCCC is not aware of any Person being confused, based on RC's use the DIET RITE PURE ZERO mark, between beverage products bearing the DIET RITE PURE ZERO mark and beverage products bearing any of TCCC's Marks.

72. TCCC is not aware of any Person believing, based on RC's use the DIET RITE PURE ZERO mark, that TCCC is the source of beverage products bearing RC's DIET RITE PURE ZERO mark.

73. TCCC is not aware of any Person believing, based on RC's use the DIET RITE PURE ZERO mark, that beverage products bearing RC's DIET RITE PURE ZERO mark are affiliated with TCCC.

74. TCCC is not aware of any Person believing, based on RC's use the DIET RITE PURE ZERO mark, that beverage products bearing RC's DIET RITE PURE ZERO mark are connected with TCCC.

75. TCCC is not aware of any Person believing, based on RC's use the DIET RITE PURE ZERO mark, that beverage products bearing RC's DIET RITE PURE ZERO mark are associated with TCCC

76. TCCC is not aware of any Person believing, based on RC's use the DIET RITE PURE ZERO mark, that beverage products bearing RC's DIET RITE PURE ZERO mark are sponsored by TCCC.

77. TCCC is not aware of any Person believing, based on RC's use the DIET RITE PURE ZERO mark, that beverage products bearing RC's DIET RITE PURE ZERO mark are approved by TCCC.

78. TCCC is not aware of any Person being confused, based on RC's use the PURE ZERO mark, between beverage products bearing the PURE ZERO mark and beverage products bearing any of TCCC's Marks.

79. TCCC is not aware of any Person believing, based on RC's use the PURE ZERO mark, that TCCC is the source of beverage products bearing RC's PURE ZERO mark.

80. TCCC is not aware of any Person believing, based on RC's use the PURE ZERO mark, that beverage products bearing RC's PURE ZERO mark are affiliated with TCCC.

81. TCCC is not aware of any Person believing, based on RC's use the PURE ZERO mark, that beverage products bearing RC's PURE ZERO mark are connected with TCCC.

82. TCCC is not aware of any Person believing, based on RC's use the PURE ZERO mark, that beverage products bearing RC's PURE ZERO mark are associated with TCCC

83. TCCC is not aware of any Person believing, based on RC's use the PURE ZERO mark, that beverage products bearing RC's PURE ZERO mark are sponsored by TCCC.

84. TCCC is not aware of any Person believing, based on RC's use the PURE ZERO mark, that beverage products bearing RC's PURE ZERO mark are approved by TCCC.

85. TCCC has no evidence that any Person has been confused, based on RC's use the DIET RITE PURE ZERO mark, between beverage products bearing RC's DIET RITE PURE ZERO mark and beverage products bearing any of TCCC's Marks.

86. TCCC has no evidence that any Person has believed, based on RC's use the DIET RITE PURE ZERO mark, that TCCC is the source of beverage products bearing RC's DIET RITE PURE ZERO mark.

87. TCCC has no evidence that any Person has believed, based on RC's use the DIET RITE PURE ZERO mark, that beverage products bearing RC's DIET RITE PURE ZERO mark are affiliated with TCCC.

88. TCCC has no evidence that any Person has believed, based on RC's use the DIET RITE PURE ZERO mark, that beverage products bearing RC's DIET RITE PURE ZERO mark are connected with TCCC.

89. TCCC has no evidence that any Person has believed, based on RC's use the DIET RITE PURE ZERO mark, that beverage products bearing RC's DIET RITE PURE ZERO mark are associated with TCCC

90. TCCC has no evidence that any Person has believed, based on RC's use the DIET RITE PURE ZERO mark, that beverage products bearing RC's DIET RITE PURE ZERO mark are sponsored by TCCC.

91. TCCC has no evidence that any Person has believed, based on RC's use the DIET RITE PURE ZERO mark, that beverage products bearing RC's DIET RITE PURE ZERO mark are approved by TCCC.

92. TCCC has no evidence that any Person has been confused, based on RC's use the PURE ZERO mark, between beverage products bearing RC's PURE ZERO mark and beverage products bearing any of TCCC's Marks.

93. TCCC i has no evidence that any Person has believed, based on RC's use the PURE ZERO mark, that TCCC is the source of beverage products bearing RC's PURE ZERO mark.

94. TCCC has no evidence that any Person has believed, based on RC's use the PURE ZERO mark, that beverage products bearing RC's PURE ZERO mark are affiliated with TCCC.

95. TCCC has no evidence that any Person has believed, based on RC's use the PURE ZERO mark, that beverage products bearing RC's PURE ZERO mark are connected with TCCC.

96. TCCC has no evidence that any Person has believed, based on RC's use the PURE ZERO mark, that beverage products bearing RC's PURE ZERO mark are associated with TCCC

97. TCCC has no evidence that any Person has believed, based on RC's use the PURE ZERO mark, that beverage products bearing RC's PURE ZERO mark are sponsored by TCCC.

98. TCCC has no evidence that any Person has believed, based on RC's use the PURE ZERO mark, that beverage products bearing RC's PURE ZERO mark are approved by TCCC.

99. The only similarity between the mark DIET RITE PURE ZERO and any of TCCC's Marks is the term "zero."

100. The only similarity between the mark PURE ZERO and any of TCCC's Marks is the term "zero."

101. TCCC has not instituted legal proceedings to stop any third party from using in connection with beverage products a mark consisting of or including the term or numeral "zero."

102. TCCC is aware of current use in the United States of the mark ZERO IS GOOD in connection with beverage products distributed by Herbal Water, Inc.

103. TCCC is aware of current use in the United States of the phrase "ZERO IS GOOD" in connection with beverage products distributed by Herbal Water, Inc.

104. TCCC is aware of past use in the United States of the mark ZERO IS GOOD in connection with beverage products distributed by Herbal Water, Inc.

105. TCCC is aware of past use in the United States of the phrase "ZERO IS GOOD" in connection with beverage products distributed by Herbal Water, Inc.

106. TCCC has taken no steps to stop use in the United States of the mark ZERO IS GOOD in connection with beverage products.

107. TCCC has taken no steps to stop use in the United States of the phrase "ZERO IS GOOD" in connection with beverage products.

108. TCCC is aware of current use in the United States of the mark NATURALLY ZERO in connection with beverage products distributed by Bluesprings Water Co.

109. TCCC is aware of current use in the United States of the phrase "NATURALLY ZERO" in connection with beverage products distributed by Bluesprings Water Co.

110. TCCC is aware of past use in the United States of the mark NATURALLY ZERO in connection with beverage products distributed by Bluesprings Water Co.

111. TCCC is aware of past use in the United States of the phrase "NATURALLY ZERO" in connection with beverage products distributed by Bluesprings Water Co.

112. TCCC has taken no steps to stop use in the United States of the mark NATURALLY ZERO in connection with beverage products.

113. TCCC has taken no steps to stop use in the United States of the phrase "NATURALLY ZERO" in connection with beverage products.

114. TCCC is aware of current use in the United States of the mark RIVER ZERO in connection with beverage products distributed by Hijos de Rivera, S.A.

115. TCCC is aware of current use in the United States of the phrase "RIVER ZERO" in connection with beverage products distributed by Hijos de Rivera, S.A.

116. TCCC is aware of past use in the United States of the mark RIVER ZERO in connection with beverage products distributed by Hijos de Rivera, S.A.

117. TCCC is aware of past use in the United States of the phrase "RIVER ZERO" in connection with beverage products distributed by Hijos de Rivera, S.A.

118. TCCC has taken no steps to stop use in the United States of the mark RIVER ZERO in connection with beverage products.

119. TCCC has taken no steps to stop use in the United States of the phrase "RIVER ZERO" in connection with beverage products.

120. TCCC is aware of current use in the United States of the mark POMBERRY ZERO in connection with beverage products distributed by LOUD Beverage.

121. TCCC is aware of current use in the United States of the phrase "POMBERRY ZERO" in connection with beverage products distributed by LOUD Beverage.

122. TCCC is aware of past use in the United States of the mark POMBERRY ZERO in connection with beverage products distributed by LOUD Beverage.

123. TCCC is aware of past use in the United States of the phrase "POMBERRY ZERO" in connection with beverage products distributed by LOUD Beverage.

124. TCCC has taken no steps to stop use in the United States of the mark POMBERRY ZERO in connection with beverage products.

125. TCCC has taken no steps to stop use in the United States of the phrase "POMBERRY ZERO" in connection with beverage products.

126. TCCC is aware of current use in the United States of the mark ZERO in connection with beverage products distributed by Southern Group Enterprises, LLC.

127. TCCC is aware of current use in the United States of the term "ZERO" in connection with beverage products distributed by Southern Group Enterprises, LLC.

128. TCCC is aware of past use in the United States of the mark ZERO in connection with beverage products distributed by Southern Group Enterprises, LLC.

129. TCCC is aware of past use in the United States of the term "ZERO" in connection with beverage products distributed by Southern Group Enterprises, LLC.

130. TCCC has taken no steps to stop use in the United States of the mark ZERO in connection with beverage products by Southern Group Enterprises, LLC.

131. TCCC has taken no steps to stop use in the United States of the term "ZERO" in connection with beverage products by Southern Group Enterprises, LLC.

132. TCCC is aware of current use in the United States of the mark IMPULSE ZERO in connection with beverage products distributed by Southern Group Enterprises, LLC.

133. TCCC is aware of current use in the United States of the term "IMPULSE ZERO" in connection with beverage products distributed by Southern Group Enterprises, LLC.

134. TCCC is aware of past use in the United States of the mark IMPULSE ZERO in connection with beverage products distributed by Southern Group Enterprises, LLC.

135. TCCC is aware of past use in the United States of the term "IMPULSE ZERO" in connection with beverage products distributed by Southern Group Enterprises, LLC.

136. TCCC has taken no steps to stop use in the United States of the mark IMPULSE ZERO in connection with beverage products.

137. TCCC has taken no steps to stop use in the United States of the term "IMPULSE ZERO" in connection with beverage products.

138. TCCC has never been known by the name PURE ZERO.

139. TCCC has never been known by the name DIET RITE PURE ZERO.

140. The phrase "PURE ZERO" is not the same as any trade name ever used by TCCC.

141. The phrase "DIET RITE PURE ZERO" is not the same as any trade name ever used by TCCC.

142. The phrase "PURE ZERO" is not a close approximation of any trade name ever used by TCCC.

143. The phrase "DIET RITE PURE ZERO" is not a close approximation of any trade name ever used by TCCC.

Dated: New York, New York
February 18, 2009

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: _____
Barbara A. Solomon
Laura Popp-Rosenberg
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

Attorneys for Royal Crown Co., Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of **Royal Crown's Second Set of Requests for Admission** to be deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to counsel for TCCC, Bruce Baber, Esq., King & Spalding LLP, 1185 Avenue of the Americas, New York, NY 10036-4003, this 18th day of February, 2009.

Laura Popp-Rosenberg

{F0416661.1 }

EXHIBIT 14

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ROYAL CROWN COMPANY, INC.,	)	Consolidated Proceedings:
Opposer,	)	OPPOSITION NO. 91178927
v.	)	OPPOSITION NO. 91180771
THE COCA-COLA COMPANY,	)	OPPOSITION NO. 91180772
Applicant.	)	OPPOSITION NO. 91183482
-- and --	)	OPPOSITION NO. 91185755
	)	OPPOSITION NO. 91186579
THE COCA-COLA COMPANY,	)	
Opposer,	)	
v.	)	OPPOSITION NO. 91184434
ROYAL CROWN COMPANY, INC.,	)	
Applicant	)	

RESPONSES OF THE COCA-COLA COMPANY TO
ROYAL CROWN'S SECOND SET OF REQUESTS FOR ADMISSION

The Coca-Cola Company ("TCCC"), by and through its undersigned counsel and in accordance with Rule 36 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, hereby responds as follows to "Royal Crown's Second Set Of Requests For Admission" ("RC's Second Requests for Admission"), served by Royal Crown Company, Inc. ("RC") on February 18, 2009.

GENERAL OBJECTIONS

1.

TCCC objects to RC's Second Requests for Admission, and the "Definitions" set forth or incorporated by reference in Royal Crown's Second Set of Requests for Production of Documents and Things and "Instructions" set forth or incorporated by reference in Royal Crown's First Set of Requests for Admission to the extent that they can be construed to impose on TCCC obligations greater than or different from those imposed under the Federal Rules of Civil Procedure and the Trademark Rules of Practice. TCCC has responded to RC's Second Requests for Admission in accordance with those rules and not necessarily in accordance with RC's instructions.

2.

TCCC objects to RC's Second Requests for Admission to the extent they seek information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Such information shall not be provided in response to RC's Second Requests for Admission, and any inadvertent disclosure thereof shall not be deemed a waiver of any privilege or protection with respect to such information.

3.

TCCC objects to RC's Second Requests for Admission to the extent that they seek information that is neither relevant to the subject matter involved in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

4.

TCCC objects to RC's Second Requests for Admission to the extent that they are overbroad, unduly burdensome, redundant and unreasonable in scope.

5.

The following responses reflect TCCC's present knowledge, information and belief and may be subject to change or modification based on TCCC's further discovery, or on facts and circumstances that may come to TCCC's knowledge.

OBJECTIONS AND RESPONSES

Subject to and without waiving any of the foregoing general objections, TCCC responds as follows to RC's separately-numbered requests for admission:

REQUEST NO. 58:

TCCC has never objected to use of the mark DIET RITE in the United States by RC or a predecessor-in-interest.

RESPONSE TO REQUEST NO. 58:

TCCC objects to Request No. 58 on the grounds that the request is vague and ambiguous, and the phrase "objected to" is vague and ambiguous. TCCC further objects to Request No. 58 on the grounds that the request improperly requests the admission of a negative. TCCC also objects to Request No. 58 on the grounds that the request is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 58 as stated.

REQUEST NO. 59:

TCCC has never objected to use of the mark DIET RITE in the United States by RC or a predecessor-in-interest on the basis of TCCC's rights in the mark DIET SPRITE.

RESPONSE TO REQUEST NO. 59:

TCCC objects to Request No. 59 on the grounds that the request is vague and ambiguous, and the phrase "objected to" is vague and ambiguous. TCCC further objects to Request No. 59 on the grounds that the request improperly requests the admission of a negative. TCCC also objects to Request No. 59 on the grounds that the request is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 59 as stated.

REQUEST NO. 60:

TCCC has never objected to use of the mark DIET RITE in the United States by RC or a predecessor-in-interest on the basis of TCCC's rights in any mark including the term "diet."

RESPONSE TO REQUEST NO. 60:

TCCC objects to Request No. 60 on the grounds that the request is vague and ambiguous, and the phrase "objected to" is vague and ambiguous. TCCC further objects to Request No. 60 on the grounds that the request improperly requests the admission of a negative. TCCC also objects to Request No. 60 on the grounds that the request is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC has not claimed rights in the United States to the term "diet" standing alone as a mark

and, to that extent, admits Request No. 60. Other than as expressly so admitted, TCCC denies Request No. 60 as stated.

REQUEST NO. 61:

TCCC has never objected to use of the mark DIET RITE in the United States by RC or a predecessor-in-interest on the basis of TCCC's rights in the mark SPRITE.

RESPONSE TO REQUEST NO. 61:

TCCC objects to Request No. 61 on the grounds that the request is vague and ambiguous, and the phrase "objected to" is vague and ambiguous. TCCC further objects to Request No. 61 on the grounds that the request improperly requests the admission of a negative. TCCC also objects to Request No. 61 on the grounds that the request is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 61 as stated.

REQUEST NO. 62:

TCCC did not begin using the mark DIET SPRITE in the United States before 1983.

RESPONSE TO REQUEST NO. 62:

TCCC objects to Request No. 62 on the grounds that the request improperly requests the admission of a negative. TCCC also objects to this request on the grounds that the request is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that, to the best of TCCC's current knowledge, TCCC first began using the mark DIET SPRITE in the United States in or about December of 1983.

REQUEST NO. 63:

TCCC is aware of RC's use of the mark DIET RITE PURE ZERO in connection with beverage products.

RESPONSE TO REQUEST NO. 63:

TCCC objects to Request No. 63 on the grounds that the request is vague and ambiguous, and the phrase "aware of RC's use" is vague and ambiguous. TCCC further objects to Request No. 63 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC believes, based on information available to TCCC, that RC is using the name DIET RITE PURE ZERO on some beverage products sold by RC in some parts of the United States. Other than as expressly so admitted, TCCC denies Request No. 63 as stated.

REQUEST NO. 64:

TCCC is aware of RC's use of the mark PURE ZERO in connection with beverage products.

RESPONSE TO REQUEST NO. 64:

TCCC objects to Request No. 64 on the grounds that the request is vague and ambiguous, and the phrase "aware of RC's use" is vague and ambiguous. TCCC further objects to Request No. 64 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC believes, based on information available to TCCC, that RC is using the phrase PURE ZERO on some beverage products sold by RC in some parts of the United States. Other than as expressly so admitted, TCCC denies Request No. 64 as stated.

REQUEST NO. 65:

TCCC has been aware of RC's use of the mark DIET RITE PURE ZERO in connection with beverage products since 2004.

RESPONSE TO REQUEST NO. 65:

TCCC objects to Request No. 65 on the grounds that the request is vague and ambiguous, and the phrase "aware of RC's use" is vague and ambiguous. TCCC further objects to Request No. 65 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 65 as stated.

REQUEST NO. 66:

TCCC has been aware of RC's use of the mark PURE ZERO in connection with beverage products since 2004.

RESPONSE TO REQUEST NO. 66:

TCCC objects to Request No. 66 on the grounds that the request is vague and ambiguous, and the phrase "aware of RC's use" is vague and ambiguous. TCCC further objects to Request No. 66 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 66 as stated.

REQUEST NO. 67:

RC's beverage products bearing the mark DIET RITE PURE ZERO have been coexisting with beverage products bearing at least one of TCCC's Marks since 2004.

RESPONSE TO REQUEST NO. 67:

TCCC objects to Request No. 67 on the grounds that request is vague and ambiguous. TCCC further objects to Request No. 67 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 67 as stated.

REQUEST NO. 68:

TCCC has never instituted a lawsuit to stop use RC's use [sic] of the mark DIET RITE PURE ZERO.

RESPONSE TO REQUEST NO. 68:

TCCC objects to Request No. 68 on the grounds that the request is vague and ambiguous, and the request improperly requests the admission of a negative. TCCC further objects to Request No. 68 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC has not, as of the date of these responses, commenced a civil action in any court in which TCCC has requested injunctive relief against the use by RC of the name DIET

RITE PURE ZERO in the United States. Other than as expressly so admitted, TCCC denies Request No. 68 as stated.

REQUEST NO. 69:

RC's beverage products bearing the mark PURE ZERO have been coexisting with beverage products bearing at least one of TCCC's Marks since 2004.

RESPONSE TO REQUEST NO. 69:

TCCC objects to Request No. 69 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 69 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 69 as stated.

REQUEST NO. 70:

TCCC has never instituted a lawsuit to stop use RC's use [sic] of the mark PURE ZERO.

RESPONSE TO REQUEST NO. 70:

TCCC objects to Request No. 70 on the grounds that the request is vague and ambiguous, and the request improperly requests the admission of a negative. TCCC further objects to Request No. 70 on the grounds that it fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC has not, as of the date of these responses, commenced a civil action in any court in which TCCC has requested injunctive relief against the use by RC of the phrase PURE

ZERO in the United States. Other than as expressly so admitted, TCCC denies Request No. 70 as stated.

REQUEST NO. 71:

TCCC is not aware of any Person being confused, based on RC's use the [sic] DIET RITE PURE ZERO mark, between beverage products bearing the DIET RITE PURE ZERO mark and beverage products bearing any of TCCC's Marks.

RESPONSE TO REQUEST NO. 71:

TCCC objects to Request No. 71 on the grounds that the request is vague and ambiguous, and the phrase "confused . . . between beverage products" is vague and ambiguous. TCCC further objects to Request No. 71 on the grounds that the request improperly requests the admission of a negative. TCCC also objects to Request No. 71 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that, as of the date of these responses, TCCC is not aware of the names or identities of any specific individuals who have been "confused," based on RC's use of the name DIET RITE PURE ZERO, between beverage products bearing the name DIET RITE PURE ZERO and beverage products bearing any of TCCC's ZERO Marks. Other than as expressly so admitted, TCCC denies Request No. 71 as stated.

REQUEST NO. 72:

TCCC is not aware of any Person believing, based on RC's use the [sic] DIET RITE PURE ZERO mark, that TCCC is the source of beverage products bearing RC's DIET RITE PURE ZERO mark.

RESPONSE TO REQUEST NO. 72:

TCCC objects to Request No. 72 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 72 on the grounds that the request improperly requests the admission of a negative. TCCC also objects to Request No. 72 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that, as of the date of these responses, TCCC is not aware of the names or identities of any specific individuals who have believed, based on RC's use of the name DIET RITE PURE ZERO, that TCCC is the source of beverage products bearing the name DIET RITE PURE ZERO. Other than as expressly so admitted, TCCC denies Request No. 72 as stated.

REQUEST NO. 73:

TCCC is not aware of any Person believing, based on RC's use the [sic] DIET RITE PURE ZERO mark, that beverage products bearing RC's DIET RITE PURE ZERO mark are affiliated with TCCC.

RESPONSE TO REQUEST NO. 73:

TCCC objects to Request No. 73 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 73 on the grounds that the request improperly requests the admission of a negative. TCCC also objects to Request No. 73 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that, as of the date of these responses, TCCC is not aware of the names or identities of any specific individuals who have believed, based on RC's use of the name DIET RITE PURE ZERO, that beverage products bearing the name DIET RITE PURE ZERO are

affiliated with TCCC. Other than as expressly so admitted, TCCC denies Request No. 73 as stated.

REQUEST NO. 74:

TCCC is not aware of any Person believing, based on RC's use the [sic] DIET RITE PURE ZERO mark, that beverage products bearing RC's DIET RITE PURE ZERO mark are connected with TCCC.

RESPONSE TO REQUEST NO. 74:

TCCC objects to Request No. 74 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 74 on the grounds that the request improperly requests the admission of a negative. TCCC also objects to Request No. 74 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that, as of the date of these responses, TCCC is not aware of the names or identities of any specific individuals who have believed, based on RC's use of the name DIET RITE PURE ZERO, that beverage products bearing the name DIET RITE PURE ZERO are connected with TCCC. Other than as expressly so admitted, TCCC denies Request No. 74 as stated.

REQUEST NO. 75:

TCCC is not aware of any Person believing, based on RC's use the [sic] DIET RITE PURE ZERO mark, that beverage products bearing RC's DIET RITE PURE ZERO mark are associated with TCCC.

RESPONSE TO REQUEST NO. 75:

TCCC objects to Request No. 75 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 75 on the grounds that the request

improperly requests the admission of a negative. TCCC also objects to Request No. 75 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that, as of the date of these responses, TCCC is not aware of the names or identities of any specific individuals who have believed, based on RC's use of the name DIET RITE PURE ZERO, that beverage products bearing the name DIET RITE PURE ZERO are associated with TCCC. Other than as expressly so admitted, TCCC denies Request No. 75 as stated.

REQUEST NO. 76:

TCCC is not aware of any Person believing, based on RC's use the [sic] DIET RITE PURE ZERO mark, that beverage products bearing RC's DIET RITE PURE ZERO mark are sponsored by TCCC.

RESPONSE TO REQUEST NO. 76:

TCCC objects to Request No. 76 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 76 on the grounds that the request improperly requests the admission of a negative. TCCC also objects to Request No. 76 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that, as of the date of these responses, TCCC is not aware of the names or identities of any specific individuals who have believed, based on RC's use of the name DIET RITE PURE ZERO, that beverage products bearing the name DIET RITE PURE ZERO are sponsored by TCCC. Other than as expressly so admitted, TCCC denies Request No. 76 as stated.

REQUEST NO. 77:

TCCC is not aware of any Person believing, based on RC's use the [sic] DIET RITE PURE ZERO mark, that beverage products bearing RC's DIET RITE PURE ZERO mark are approved by TCCC.

RESPONSE TO REQUEST NO. 77:

TCCC objects to Request No. 77 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 77 on the grounds that the request improperly requests the admission of a negative. TCCC also objects to Request No. 77 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that, as of the date of these responses, TCCC is not aware of the names or identities of any specific individuals who have believed, based on RC's use of the name DIET RITE PURE ZERO, that beverage products bearing the name DIET RITE PURE ZERO are approved by TCCC. Other than as expressly so admitted, TCCC denies Request No. 77 as stated.

REQUEST NO. 78:

TCCC is not aware of any Person being confused, based on RC's use the [sic] PURE ZERO mark, between beverage products bearing the PURE ZERO mark and beverage products bearing any of TCCC's Marks.

RESPONSE TO REQUEST NO. 78:

TCCC objects to Request No. 78 on the grounds that the request is vague and ambiguous, and the phrase "confused . . . between beverage products" is vague and ambiguous. TCCC further objects to Request No. 78 on the grounds that the request improperly requests the admission of a negative. TCCC also objects to Request No. 78 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that, as of the date of these responses, TCCC is not aware of the names or identities of any specific individuals who have been "confused," based on RC's use of the phrase PURE ZERO, between beverage products bearing the phrase PURE ZERO and beverage products bearing any of TCCC's ZERO Marks. Other than as expressly so admitted, TCCC denies Request No. 78 as stated.

REQUEST NO. 79:

TCCC is not aware of any Person believing, based on RC's use the [sic] PURE ZERO mark, that TCCC is the source of beverage products bearing RC's PURE ZERO mark.

RESPONSE TO REQUEST NO. 79:

TCCC objects to Request No. 79 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 79 on the grounds that the request improperly requests the admission of a negative. TCCC also objects to Request No. 79 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that, as of the date of these responses, TCCC is not aware of the names or identities of any specific individuals who have believed, based on RC's use of the phrase PURE ZERO, that TCCC is the source of beverage products bearing the phrase PURE ZERO. Other than as expressly so admitted, TCCC denies Request No. 79 as stated.

REQUEST NO. 80:

TCCC is not aware of any Person believing, based on RC's use the [sic] PURE ZERO mark, that beverage products bearing RC's PURE ZERO mark are affiliated with TCCC.

RESPONSE TO REQUEST NO. 80:

TCCC objects to Request No. 80 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 80 on the grounds that the request improperly requests the admission of a negative. TCCC also objects to Request No. 80 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that, as of the date of these responses, TCCC is not aware of the names or identities of any specific individuals who have believed, based on RC's use of the phrase PURE ZERO, that beverage products bearing the phrase PURE ZERO are affiliated with TCCC. Other than as expressly so admitted, TCCC denies Request No. 80 as stated.

REQUEST NO. 81:

TCCC is not aware of any Person believing, based on RC's use the [sic] PURE ZERO mark, that beverage products bearing RC's PURE ZERO mark are connected with TCCC.

RESPONSE TO REQUEST NO. 81:

TCCC objects to Request No. 81 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 81 on the grounds that the request improperly requests the admission of a negative. TCCC also objects to Request No. 81 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that, as of the date of these responses, TCCC is not aware of the names or identities of any specific individuals who have believed, based on RC's use of the phrase PURE ZERO, that beverage products bearing the phrase PURE ZERO are connected with TCCC. Other than as expressly so admitted, TCCC denies Request No. 81 as stated.

REQUEST NO. 82:

TCCC is not aware of any Person believing, based on RC's use the [sic] PURE ZERO mark, that beverage products bearing RC's PURE ZERO mark are associated with TCCC.

RESPONSE TO REQUEST NO. 82:

TCCC objects to Request No. 82 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 82 on the grounds that the request improperly requests the admission of a negative. TCCC also objects to Request No. 82 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that, as of the date of these responses, TCCC is not aware of the names or identities of any specific individuals who have believed, based on RC's use of the phrase PURE ZERO, that beverage products bearing the phrase PURE ZERO are associated with TCCC. Other than as expressly so admitted, TCCC denies Request No. 82 as stated.

REQUEST NO. 83:

TCCC is not aware of any Person believing, based on RC's use the [sic] PURE ZERO mark, that beverage products bearing RC's PURE ZERO mark are sponsored by TCCC.

RESPONSE TO REQUEST NO. 83:

TCCC objects to Request No. 83 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 83 on the grounds that the request improperly requests the admission of a negative. TCCC also objects to Request No. 83 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that, as of the date of these responses, TCCC is not aware of the names or identities of any specific individuals who have believed, based on RC's use of the phrase PURE ZERO, that beverage products bearing the phrase PURE ZERO are sponsored by TCCC. Other than as expressly so admitted, TCCC denies Request No. 83 as stated.

REQUEST NO. 84:

TCCC is not aware of any Person believing, based on RC's use the [sic] PURE ZERO mark, that beverage products bearing RC's PURE ZERO mark are approved by TCCC.

RESPONSE TO REQUEST NO. 84:

TCCC objects to Request No. 84 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 84 on the grounds that the request improperly requests the admission of a negative. TCCC also objects to Request No. 84 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that, as of the date of these responses, TCCC is not aware of the names or identities of any specific individuals who have believed, based on RC's use of the phrase PURE ZERO, that beverage products bearing the phrase PURE ZERO are approved by TCCC. Other than as expressly so admitted, TCCC denies Request No. 84 as stated.

REQUEST NO. 85:

TCCC has no evidence that any Person has been confused, based on RC's use the [sic] DIET RITE PURE ZERO mark, between beverage products bearing RC's DIET RITE PURE ZERO mark and beverage products bearing any of TCCC's Marks.

RESPONSE TO REQUEST NO. 85:

TCCC objects to Request No. 85 on the grounds that the request is vague and ambiguous, and the phrase "confused . . . between beverage products" is vague and ambiguous. TCCC further objects to Request No. 85 on the grounds that the request improperly requests the admission of a negative. TCCC also objects to Request No. 85 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that, as of the date of these responses, TCCC is not aware of the names or identities of any specific individuals who have been "confused," based on RC's use of the name DIET RITE PURE ZERO, between beverage products bearing the name DIET RITE PURE ZERO and beverage products bearing any of TCCC's ZERO Marks. Other than as expressly so admitted, TCCC denies Request No. 85 as stated.

REQUEST NO. 86:

TCCC has no evidence that any Person has believed, based on RC's use the [sic] DIET RITE PURE ZERO mark, that TCCC is the source of beverage products bearing RC's DIET RITE PURE ZERO mark.

RESPONSE TO REQUEST NO. 86:

TCCC objects to Request No. 86 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 86 on the grounds that the request improperly requests the admission of a negative. TCCC also objects to Request No. 86 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that, as of the date of these responses, TCCC is not aware of the names or identities of any specific individuals who have believed, based on RC's use of the name DIET RITE

PURE ZERO, that TCCC is the source of beverage products bearing the name DIET RITE PURE ZERO. Other than as expressly so admitted, TCCC denies Request No. 86 as stated.

REQUEST NO. 87:

TCCC has no evidence that any Person has believed, based on RC's use the [sic] DIET RITE PURE ZERO mark, that beverage products bearing RC's DIET RITE PURE ZERO mark are affiliated with TCCC.

RESPONSE TO REQUEST NO. 87:

TCCC objects to Request No. 87 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 87 on the grounds that the request improperly requests the admission of a negative. TCCC also objects to Request No. 87 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that, as of the date of these responses, TCCC is not aware of the names or identities of any specific individuals who have believed, based on RC's use of the name DIET RITE PURE ZERO, that beverage products bearing the name DIET RITE PURE ZERO are affiliated with TCCC. Other than as expressly so admitted, TCCC denies Request No. 87 as stated.

REQUEST NO. 88:

TCCC has no evidence that any Person has believed, based on RC's use the [sic] DIET RITE PURE ZERO mark, that beverage products bearing RC's DIET RITE PURE ZERO mark are connected with TCCC.

RESPONSE TO REQUEST NO. 88:

TCCC objects to Request No. 88 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 88 on the grounds that the request improperly requests the admission of a negative. TCCC also objects to Request No. 88 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that, as of the date of these responses, TCCC is not aware of the names or identities of any specific individuals who have believed, based on RC's use of the name DIET RITE PURE ZERO, that beverage products bearing the name DIET RITE PURE ZERO are connected with TCCC. Other than as expressly so admitted, TCCC denies Request No. 88 as stated.

REQUEST NO. 89:

TCCC has no evidence that any Person has believed, based on RC's use the [sic] DIET RITE PURE ZERO mark, that beverage products bearing RC's DIET RITE PURE ZERO mark are associated with TCCC.

RESPONSE TO REQUEST NO. 89:

TCCC objects to Request No. 89 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 89 on the grounds that the request improperly requests the admission of a negative. TCCC also objects to Request No. 89 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that, as of the date of these responses, TCCC is not aware of the names or identities of any specific individuals who have believed, based on RC's use of the name DIET RITE PURE ZERO, that beverage products bearing the name DIET RITE PURE ZERO are

associated with TCCC. Other than as expressly so admitted, TCCC denies Request No. 89 as stated.

REQUEST NO. 90:

TCCC has no evidence that any Person has believed, based on RC's use the [sic] DIET RITE PURE ZERO mark, that beverage products bearing RC's DIET RITE PURE ZERO mark are sponsored by TCCC.

RESPONSE TO REQUEST NO. 90:

TCCC objects to Request No. 90 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 90 on the grounds that the request improperly requests the admission of a negative. TCCC also objects to Request No. 90 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that, as of the date of these responses, TCCC is not aware of the names or identities of any specific individuals who have believed, based on RC's use of the name DIET RITE PURE ZERO, that beverage products bearing the name DIET RITE PURE ZERO are sponsored by TCCC. Other than as expressly so admitted, TCCC denies Request No. 90 as stated.

REQUEST NO. 91:

TCCC has no evidence that any Person has believed, based on RC's use the [sic] DIET RITE PURE ZERO mark, that beverage products bearing RC's DIET RITE PURE ZERO mark are approved by TCCC.

RESPONSE TO REQUEST NO. 91:

TCCC objects to Request No. 91 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 91 on the grounds that the request

improperly requests the admission of a negative. TCCC also objects to Request No. 91 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that, as of the date of these responses, TCCC is not aware of the names or identities of any specific individuals who have believed, based on RC's use of the name DIET RITE PURE ZERO, that beverage products bearing the name DIET RITE PURE ZERO are approved by TCCC. Other than as expressly so admitted, TCCC denies Request No. 91 as stated.

REQUEST NO. 92:

TCCC has no evidence that any Person has been confused, based on RC's use the [sic] PURE ZERO mark, between beverage products bearing RC's PURE ZERO mark and beverage products bearing any of TCCC's Marks.

RESPONSE TO REQUEST NO. 92:

TCCC objects to Request No. 92 on the grounds that the request is vague and ambiguous, and the phrase "confused . . . between beverage products" is vague and ambiguous. TCCC further objects to Request No. 92 on the grounds that the request improperly requests the admission of a negative. TCCC also objects to Request No. 92 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that, as of the date of these responses, TCCC is not aware of the names or identities of any specific individuals who have been "confused," based on RC's use of the phrase PURE ZERO, between beverage products bearing the phrase PURE ZERO and beverage products bearing any of TCCC's ZERO Marks. Other than as expressly so admitted, TCCC denies Request No. 92 as stated.

REQUEST NO. 93:

TCCC has no evidence that any Person has believed, based on RC's use the [sic] PURE ZERO mark, that TCCC is the source of beverage products bearing RC's PURE ZERO mark.

RESPONSE TO REQUEST NO. 93:

TCCC objects to Request No. 93 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 93 on the grounds that the request improperly requests the admission of a negative. TCCC also objects to Request No. 93 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that, as of the date of these responses, TCCC is not aware of the names or identities of any specific individuals who have believed, based on RC's use of the phrase PURE ZERO, that TCCC is the source of beverage products bearing the phrase PURE ZERO. Other than as expressly so admitted, TCCC denies Request No. 93 as stated.

REQUEST NO. 94:

TCCC has no evidence that any Person has believed, based on RC's use the [sic] PURE ZERO mark, that beverage products bearing RC's PURE ZERO mark are affiliated with TCCC.

RESPONSE TO REQUEST NO. 94:

TCCC objects to Request No. 94 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 94 on the grounds that the request improperly requests the admission of a negative. TCCC also objects to Request No. 94 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that, as of the date of these responses, TCCC is not aware of the names or identities of any specific individuals who have believed, based on RC's use of the phrase PURE ZERO, that beverage products bearing the phrase PURE ZERO are affiliated with TCCC. Other than as expressly so admitted, TCCC denies Request No. 94 as stated.

REQUEST NO. 95:

TCCC has no evidence that any Person has believed, based on RC's use the [sic] PURE ZERO mark, that beverage products bearing RC's PURE ZERO mark are connected with TCCC.

RESPONSE TO REQUEST NO. 95:

TCCC objects to Request No. 95 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 95 on the grounds that the request improperly requests the admission of a negative. TCCC also objects to Request No. 95 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that, as of the date of these responses, TCCC is not aware of the names or identities of any specific individuals who have believed, based on RC's use of the phrase PURE ZERO, that beverage products bearing the phrase PURE ZERO are connected with TCCC. Other than as expressly so admitted, TCCC denies Request No. 95 as stated.

REQUEST NO. 96:

TCCC has no evidence that any Person has believed, based on RC's use the [sic] PURE ZERO mark, that beverage products bearing RC's PURE ZERO mark are associated with TCCC.

RESPONSE TO REQUEST NO. 96:

TCCC objects to Request No. 96 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 96 on the grounds that the request improperly requests the admission of a negative. TCCC also objects to Request No. 96 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that, as of the date of these responses, TCCC is not aware of the names or identities of any specific individuals who have believed, based on RC's use of the phrase PURE ZERO, that beverage products bearing the phrase PURE ZERO are associated with TCCC. Other than as expressly so admitted, TCCC denies Request No. 96 as stated.

REQUEST NO. 97:

TCCC has no evidence that any Person has believed, based on RC's use the [sic] PURE ZERO mark, that beverage products bearing RC's PURE ZERO mark are sponsored by TCCC.

RESPONSE TO REQUEST NO. 97:

TCCC objects to Request No. 97 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 97 on the grounds that the request improperly requests the admission of a negative. TCCC also objects to Request No. 97 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that, as of the date of these responses, TCCC is not aware of the names or identities of any specific individuals who have believed, based on RC's use of the phrase PURE ZERO, that beverage products bearing the phrase PURE ZERO are sponsored by TCCC. Other than as expressly so admitted, TCCC denies Request No. 97 as stated.

REQUEST NO. 98:

TCCC has no evidence that any Person has believed, based on RC's use the [sic] PURE ZERO mark, that beverage products bearing RC's PURE ZERO mark are approved by TCCC.

RESPONSE TO REQUEST NO. 98:

TCCC objects to Request No. 98 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 98 on the grounds that the request improperly requests the admission of a negative. TCCC also objects to Request No. 98 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that, as of the date of these responses, TCCC is not aware of the names or identities of any specific individuals who have believed, based on RC's use of the phrase PURE ZERO, that beverage products bearing the phrase PURE ZERO are approved by TCCC. Other than as expressly so admitted, TCCC denies Request No. 98 as stated.

REQUEST NO. 99:

The only similarity between the mark DIET RITE PURE ZERO and any of TCCC's Marks is the term "zero."

RESPONSE TO REQUEST NO. 99:

TCCC objects to Request No. 99 on the grounds that the request is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 99.

REQUEST NO. 100:

The only similarity between the mark PURE ZERO and any of TCCC's Marks is the term "zero."

RESPONSE TO REQUEST NO. 100:

TCCC objects to Request No. 100 on the grounds that the request is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 100.

REQUEST NO. 101:

TCCC has not instituted legal proceedings to stop any third party from using in connection with beverage products a mark consisting of or including the term or numeral "zero."

RESPONSE TO REQUEST NO. 101:

TCCC objects to Request No. 101 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 101 on the grounds that the request improperly requests the admission of a negative. TCCC also objects to Request No. 101 on the grounds that the request fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC has not, as of the date of these responses, commenced a civil action in any court in which TCCC has requested injunctive relief against the use by a third party of a mark consisting of or including the word ZERO or numeral "0" for beverage products in the United States. Other than as expressly so admitted, TCCC denies Request No. 101 as stated.

REQUEST NO. 102:

TCCC is aware of current use in the United States of the mark ZERO IS GOOD in connection with beverage products distributed by Herbal Water, Inc.

RESPONSE TO REQUEST NO. 102:

TCCC objects to Request No. 102 on the grounds that the request is vague and ambiguous, and the phrase "current use" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC believes, based on information available to TCCC, that Herbal Water, Inc. is using the phrase ZERO IS GOOD on some beverage products sold or distributed by Herbal Water. Other than expressly so admitted, TCCC denies Request No. 102 as stated.

REQUEST NO. 103:

TCCC is aware of current use in the United States of the phrase "ZERO IS GOOD" in connection with beverage products distributed by Herbal Water, Inc.

RESPONSE TO REQUEST NO. 103:

TCCC objects to Request No. 103 on the grounds that the request is vague and ambiguous, and the phrase "current use" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC believes, based on information available to TCCC, that Herbal Water, Inc. is using the phrase ZERO IS GOOD on some beverage products sold or distributed by Herbal Water. Other than expressly so admitted, TCCC denies Request No. 103 as stated.

REQUEST NO. 104:

TCCC is aware of past use in the United States of the mark ZERO IS GOOD in connection with beverage products distributed by Herbal Water, Inc.

RESPONSE TO REQUEST NO. 104:

TCCC objects to Request No. 104 on the grounds that the request is vague and ambiguous, and the phrase "past use" is vague and ambiguous. TCCC further objects to Request No. 104 on the grounds that the request fails to specify a given time period.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC believes, based on information available to TCCC, that Herbal Water, Inc. has used, prior to the date of these responses, the phrase ZERO IS GOOD on some beverage products sold or distributed by Herbal Water. Other than expressly so admitted, TCCC denies Request No. 104 as stated.

REQUEST NO. 105:

TCCC is aware of past use in the United States of the phrase "ZERO IS GOOD" in connection with beverage products distributed by Herbal Water, Inc.

RESPONSE TO REQUEST NO. 105:

TCCC objects to Request No. 105 on the grounds that the request is vague and ambiguous, and the phrase "past use" is vague and ambiguous. TCCC also objects to Request No. 105 on the grounds that the request fails to specify a given time period.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC believes, based on information available to TCCC, that Herbal Water, Inc. has used, prior to the date of these responses, the phrase ZERO IS GOOD on some beverage products sold or distributed by Herbal Water. Other than expressly so admitted, TCCC denies Request No. 105 as stated.

REQUEST NO. 106:

TCCC has taken no steps to stop use in the United States of the mark ZERO IS GOOD in connection with beverage products.

RESPONSE TO REQUEST NO. 106:

TCCC objects to Request No. 106 on the grounds that the request is vague and ambiguous, and the word "steps" is vague and ambiguous. TCCC also objects to Request No. 106 on the grounds that the request improperly requests the admission of a negative. TCCC further objects to Request No. 106 on the grounds that the phrase "stop use" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC has not, as of the date of these responses, commenced a civil action in any court in which TCCC has requested injunctive relief against the use by any party of the phrase ZERO IS GOOD. Other than expressly so admitted, TCCC denies Request No. 106 as stated.

REQUEST NO. 107:

TCCC has taken no steps to stop use in the United States of the phrase "ZERO IS GOOD" in connection with beverage products.

RESPONSE TO REQUEST NO. 107:

TCCC objects to Request No. 107 on the grounds that the request is vague and ambiguous, and the word "steps" is vague and ambiguous. TCCC also objects to Request No. 107 on the grounds that the request improperly requests the admission of a negative. TCCC further objects to Request No. 107 on the grounds that the phrase "stop use" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC has not, as of the date of these responses, commenced a civil action in any court in which TCCC has requested injunctive relief against the use by any party of the phrase ZERO IS GOOD. Other than expressly so admitted, TCCC denies Request No. 107 as stated.

REQUEST NO. 108:

TCCC is aware of current use in the United States of the mark NATURALLY ZERO in connection with beverage products distributed by Bluesprings Water Co.

RESPONSE TO REQUEST NO. 108:

TCCC objects to Request No. 108 on the grounds that the request is vague and ambiguous, and the phrase "current use" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 108 as stated.

REQUEST NO. 109:

TCCC is aware of current use in the United States of the phrase "NATURALLY ZERO" in connection with beverage products distributed by Bluesprings Water Co.

RESPONSE TO REQUEST NO. 109:

TCCC objects to Request No. 109 on the grounds that the request is vague and ambiguous, and the phrase "current use" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 109 as stated.

REQUEST NO. 110:

TCCC is aware of past use in the United States of the mark NATURALLY ZERO in connection with beverage products distributed by Bluesprings Water Co.

RESPONSE TO REQUEST NO. 110:

TCCC objects to Request No. 110 on the grounds that the request is vague and ambiguous, and the phrase "past use" is vague and ambiguous. TCCC further objects to Request No. 110 on the grounds that the request fails to specify a given time period.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 110 as stated.

REQUEST NO. 111:

TCCC is aware of past use in the United States of the phrase "NATURALLY ZERO" in connection with beverage products distributed by Bluesprings Water Co.

RESPONSE TO REQUEST NO. 111:

TCCC objects to Request No. 111 on the grounds that the request is vague and ambiguous, and the phrase "past use" is vague and ambiguous. TCCC also objects to Request No. 111 on the grounds that the request fails to specify a given time period.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 111 as stated.

REQUEST NO. 112:

TCCC has taken no steps to stop use in the United States of the mark NATURALLY ZERO in connection with beverage products.

RESPONSE TO REQUEST NO. 112:

TCCC objects to Request No. 112 on the grounds that the request is vague and ambiguous, and the word "steps" is vague and ambiguous. TCCC also objects to

Request No. 112 on the grounds that the request improperly requests the admission of a negative. TCCC further objects to Request No. 112 on the grounds that the phrase "stop use" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC has not, as of the date of these responses, commenced a civil action in any court in which TCCC has requested injunctive relief against the use by any party of the phrase NATURALLY ZERO. Other than expressly so admitted, TCCC denies Request No. 112 as stated.

REQUEST NO. 113:

TCCC has taken no steps to stop use in the United States of the phrase "NATURALLY ZERO" in connection with beverage products.

RESPONSE TO REQUEST NO. 113:

TCCC objects to Request No. 113 on the grounds that the request is vague and ambiguous, and the word "steps" is vague and ambiguous. TCCC also objects to Request No. 113 on the grounds that the request improperly requests the admission of a negative. TCCC further objects to Request No. 113 on the grounds that the phrase "stop use" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC has not, as of the date of these responses, commenced a civil action in any court in which TCCC has requested injunctive relief against the use by any party of the phrase NATURALLY ZERO. Other than expressly so admitted, TCCC denies Request No. 113 as stated.

REQUEST NO. 114:

TCCC is aware of current use in the United States of the mark RIVER ZERO in connection with beverage products distributed by Hijos de Rivera, S.A.

RESPONSE TO REQUEST NO. 114:

TCCC objects to Request No. 114 on the grounds that the request is vague and ambiguous, and the phrase "current use" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 114 as stated.

REQUEST NO. 115:

TCCC is aware of current use in the United States of the phrase "RIVER ZERO" in connection with beverage products distributed by Hijos de Rivera, S.A.

RESPONSE TO REQUEST NO. 115:

TCCC objects to Request No. 115 on the grounds that the request is vague and ambiguous, and the phrase "current use" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 115 as stated.

REQUEST NO. 116:

TCCC is aware of past use in the United States of the mark RIVER ZERO in connection with beverage products distributed by Hijos de Rivera, S.A.

RESPONSE TO REQUEST NO. 116:

TCCC objects to Request No. 116 on the grounds that the request is vague and ambiguous, and the phrase "past use" is vague and ambiguous. TCCC further objects to Request No. 116 on the grounds that the request fails to specify a given time period.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 116 as stated.

REQUEST NO. 117:

TCCC is aware of past use in the United States of the phrase "RIVER ZERO" in connection with beverage products distributed by Hijos de Rivera, S.A.

RESPONSE TO REQUEST NO. 117:

TCCC objects to Request No. 117 on the grounds that the request is vague and ambiguous, and the phrase "past use" is vague and ambiguous. TCCC also objects to Request No. 117 on the grounds that the request fails to specify a given time period.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 117 as stated.

REQUEST NO. 118:

TCCC has taken no steps to stop use in the United States of the mark RIVER ZERO in connection with beverage products.

RESPONSE TO REQUEST NO. 118:

TCCC objects to Request No. 118 on the grounds that the request is vague and ambiguous, and the word "steps" is vague and ambiguous. TCCC also objects to Request No. 118 on the grounds that the request improperly requests the admission of a negative. TCCC further objects to Request No. 118 on the grounds that the phrase "stop use" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC has not, as of the date of these responses, commenced a civil action in any court in which TCCC has requested injunctive relief against the use by any party of the phrase

RIVER ZERO. Other than expressly so admitted, TCCC denies Request No. 118 as stated.

REQUEST NO. 119:

TCCC has taken no steps to stop use in the United States of the phrase "RIVER ZERO" in connection with beverage products.

RESPONSE TO REQUEST NO. 119:

TCCC objects to Request No. 119 on the grounds that the request is vague and ambiguous, and the word "steps" is vague and ambiguous. TCCC also objects to Request No. 119 on the grounds that the request improperly requests the admission of a negative. TCCC further objects to Request No. 119 on the grounds that the phrase "stop use" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC has not, as of the date of these responses, commenced a civil action in any court in which TCCC has requested injunctive relief against the use by any party of the phrase RIVER ZERO. Other than expressly so admitted, TCCC denies Request No. 119 as stated.

REQUEST NO. 120:

TCCC is aware of current use in the United States of the mark POMBERRY ZERO in connection with beverage products distributed by LOUD Beverage.

RESPONSE TO REQUEST NO. 120:

TCCC objects to Request No. 120 on the grounds that the request is vague and ambiguous, and the phrase "current use" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC believes, based on information available to TCCC, that Loud Beverage Corporation may be using the phrase POMBERRY ZERO on some beverage products sold or distributed by Loud Beverage. Other than expressly so admitted, TCCC denies Request No. 120 as stated.

REQUEST NO. 121:

TCCC is aware of current use in the United States of the phrase "POMBERRY ZERO" in connection with beverage products distributed by LOUD Beverage.

RESPONSE TO REQUEST NO. 121:

TCCC objects to Request No. 121 on the grounds that the request is vague and ambiguous, and the phrase "current use" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC believes, based on information available to TCCC, that Loud Beverage Corporation may be using the phrase POMBERRY ZERO on some beverage products sold or distributed by Loud Beverage. Other than expressly so admitted, TCCC denies Request No. 121 as stated.

REQUEST NO. 122:

TCCC is aware of past use in the United States of the mark POMBERRY ZERO in connection with beverage products distributed by LOUD Beverage.

RESPONSE TO REQUEST NO. 122:

TCCC objects to Request No. 122 on the grounds that the request is vague and ambiguous, and the phrase "past use" is vague and ambiguous. TCCC further objects to Request No. 122 on the grounds that the request fails to specify a given time period.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC believes, based on information available to TCCC, that Loud Beverage Corporation may have used, prior to the date of these responses, the phrase POMBERRY ZERO on some beverage products sold or distributed by Loud Beverage. Other than expressly so admitted, TCCC denies Request No. 122 as stated.

REQUEST NO. 123:

TCCC is aware of past use in the United States of the phrase "POMBERRY ZERO" in connection with beverage products distributed by LOUD Beverage.

RESPONSE TO REQUEST NO. 123:

TCCC objects to Request No. 123 on the grounds that the request is vague and ambiguous, and the phrase "past use" is vague and ambiguous. TCCC also objects to Request No. 123 on the grounds that the request fails to specify a given time period.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC believes, based on information available to TCCC, that Loud Beverage Corporation may have used, prior to the date of these responses, the phrase POMBERRY ZERO on some beverage products sold or distributed by Loud Beverage. Other than expressly so admitted, TCCC denies Request No. 123 as stated.

REQUEST NO. 124:

TCCC has taken no steps to stop use in the United States of the mark POMBERRY ZERO in connection with beverage products.

RESPONSE TO REQUEST NO. 124:

TCCC objects to Request No. 124 on the grounds that the request is vague and ambiguous, and the word "steps" is vague and ambiguous. TCCC also objects to

Request No. 124 on the grounds that the request improperly requests the admission of a negative. TCCC further objects to Request No. 124 on the grounds that the phrase "stop use" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC has not, as of the date of these responses, commenced a civil action in any court in which TCCC has requested injunctive relief against the use by any party of the phrase POMBERRY ZERO. Other than expressly so admitted, TCCC denies Request No. 124 as stated.

REQUEST NO. 125:

TCCC has taken no steps to stop use in the United States of the phrase "POMBERRY ZERO" in connection with beverage products.

RESPONSE TO REQUEST NO. 125:

TCCC objects to Request No. 125 on the grounds that the request is vague and ambiguous, and the word "steps" is vague and ambiguous. TCCC also objects to Request No. 125 on the grounds that the request improperly requests the admission of a negative. TCCC further objects to Request No. 125 on the grounds that the phrase "stop use" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC has not, as of the date of these responses, commenced a civil action in any court in which TCCC has requested injunctive relief against the use by any party of the phrase POMBERRY ZERO. Other than expressly so admitted, TCCC denies Request No. 125 as stated.

REQUEST NO. 126:

TCCC is aware of current use in the United States of the mark ZERO in connection with beverage products distributed by Southern Group Enterprises, LLC.

RESPONSE TO REQUEST NO. 126:

TCCC objects to Request No. 126 on the grounds that the request is vague and ambiguous, and the phrase "current use" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 126 as stated.

REQUEST NO. 127:

TCCC is aware of current use in the United States of the term "ZERO" in connection with beverage products distributed by Southern Group Enterprises, LLC.

RESPONSE TO REQUEST NO. 127:

TCCC objects to Request No. 127 on the grounds that the request is vague and ambiguous, and the phrase "current use" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 127 as stated.

REQUEST NO. 128:

TCCC is aware of past use in the United States of the mark ZERO in connection with beverage products distributed by Southern Group Enterprises, LLC.

RESPONSE TO REQUEST NO. 128:

TCCC objects to Request No. 128 on the grounds that the request is vague and ambiguous, and the phrase "past use" is vague and ambiguous. TCCC further objects to Request No. 128 on the grounds that the request fails to specify a given time period.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 128 as stated.

REQUEST NO. 129:

TCCC is aware of past use in the United States of the term "ZERO" in connection with beverage products distributed by Southern Group Enterprises, LLC.

RESPONSE TO REQUEST NO. 129:

TCCC objects to Request No. 129 on the grounds that the request is vague and ambiguous, and the phrase "past use" is vague and ambiguous. TCCC also objects to Request No. 129 on the grounds that the request fails to specify a given time period.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 129 as stated.

REQUEST NO. 130:

TCCC has taken no steps to stop use in the United States of the mark ZERO in connection with beverage products by Southern Group Enterprises, LLC.

RESPONSE TO REQUEST NO. 130:

TCCC objects to Request No. 130 on the grounds that the request is vague and ambiguous, and the word "steps" is vague and ambiguous. TCCC also objects to Request No. 130 on the grounds that the request improperly requests the admission of a negative.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC has not, as of the date of these responses, commenced a civil action in any court in which TCCC has requested injunctive relief against the use by Southern Group

Enterprises, LLC in the United States of the term ZERO for beverage products. Other than expressly so admitted, TCCC denies Request No. 130 as stated.

REQUEST NO. 131:

TCCC has taken no steps to stop use in the United States of the term "ZERO" in connection with beverage products by Southern Group Enterprises, LLC.

RESPONSE TO REQUEST NO. 131:

TCCC objects to Request No. 131 on the grounds that the request is vague and ambiguous, and the word "steps" is vague and ambiguous. TCCC also objects to Request No. 131 on the grounds that the request improperly requests the admission of a negative.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC has not, as of the date of these responses, commenced a civil action in any court in which TCCC has requested injunctive relief against the use by Southern Group Enterprises, LLC in the United States of "the term 'ZERO'" for beverage products. Other than expressly so admitted, TCCC denies Request No. 131 as stated.

REQUEST NO. 132:

TCCC is aware of current use in the United States of the mark IMPULSE ZERO in connection with beverage products distributed by Southern Group Enterprises, LLC.

RESPONSE TO REQUEST NO. 132:

TCCC objects to Request No. 132 on the grounds that the request is vague and ambiguous, and the phrase "current use" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 132 as stated.

REQUEST NO. 133:

TCCC is aware of current use in the United States of the term "IMPULSE ZERO" in connection with beverage products distributed by Southern Group Enterprises, LLC.

RESPONSE TO REQUEST NO. 133:

TCCC objects to Request No. 133 on the grounds that the request is vague and ambiguous, and the phrase "current use" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 133 as stated.

REQUEST NO. 134:

TCCC is aware of past use in the United States of the mark IMPULSE ZERO in connection with beverage products distributed by Southern Group Enterprises, LLC.

RESPONSE TO REQUEST NO. 134:

TCCC objects to Request No. 134 on the grounds that the request is vague and ambiguous, and the phrase "past use" is vague and ambiguous. TCCC further objects to Request No. 134 on the grounds that the request fails to specify a given time period.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 134 as stated.

REQUEST NO. 135:

TCCC is aware of past use in the United States of the term "IMPULSE ZERO" in connection with beverage products distributed by Southern Group Enterprises, LLC.

RESPONSE TO REQUEST NO. 135:

TCCC objects to Request No. 135 on the grounds that the request is vague and ambiguous, and the phrase "past use" is vague and ambiguous. TCCC also objects to Request No. 135 on the grounds that the request fails to specify a given time period.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 135 as stated.

REQUEST NO. 136:

TCCC has taken no steps to stop use in the United States of the mark IMPULSE ZERO in connection with beverage products.

RESPONSE TO REQUEST NO. 136:

TCCC objects to Request No. 136 on the grounds that the request is vague and ambiguous, and the word "steps" is vague and ambiguous. TCCC also objects to Request No. 136 on the grounds that the request improperly requests the admission of a negative. TCCC further objects to Request No. 136 on the grounds that the phrase "stop use" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC has not, as of the date of these responses, commenced a civil action in any court in which TCCC has requested injunctive relief against the use by any party in the United States of the phrase IMPULSE ZERO for beverage products. Other than expressly so admitted, TCCC denies Request No. 136 as stated.

REQUEST NO. 137:

TCCC has taken no steps to stop use in the United States of the term "IMPULSE ZERO" in connection with beverage products.

RESPONSE TO REQUEST NO. 137:

TCCC objects to Request No. 137 on the grounds that the request is vague and ambiguous, and the word "steps" is vague and ambiguous. TCCC also objects to Request No. 137 on the grounds that the request improperly requests the admission of a negative. TCCC further objects to Request No. 137 on the grounds that the phrase "stop use" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC has not, as of the date of these responses, commenced a civil action in any court in which TCCC has requested injunctive relief against the use by any party in the United States of "the term 'IMPULSE ZERO'" for beverage products. Other than as expressly so admitted, TCCC denies Request No. 137 as stated.

REQUEST NO. 138:

TCCC has never been known by the name PURE ZERO.

RESPONSE TO REQUEST NO. 138:

TCCC objects to Request No. 138 on the grounds that the request is vague and ambiguous, and the phrase "has never been known" is vague and ambiguous. TCCC also objects to Request No. 138 on the grounds that the request improperly requests the admission of a negative.

Subject to and without waiving the foregoing objections, TCCC admits that, to the best of TCCC's knowledge, TCCC has never been referred to by the name "PURE ZERO." Other than as expressly so admitted, TCCC denies Request No. 138 as stated.

REQUEST NO. 139:

TCCC has never been known by the name DIET RITE PURE ZERO.

RESPONSE TO REQUEST NO. 139:

TCCC objects to Request No. 139 on the grounds that the request is vague and ambiguous, and the phrase "has never been known" is vague and ambiguous. TCCC also objects to Request No. 139 on the grounds that the request improperly requests the admission of a negative.

Subject to and without waiving the foregoing objections, TCCC admits that, to the best of TCCC's knowledge, TCCC has never been referred to by the name "DIET RITE PURE ZERO." Other than as expressly so admitted, TCCC denies Request No. 139 as stated.

REQUEST NO. 140:

The phrase "PURE ZERO" is not the same as any trade name ever used by TCCC.

RESPONSE TO REQUEST NO. 140:

TCCC objects to Request No. 140 on the grounds that the request is vague and ambiguous, and the phrase "the same as any trade name" is vague and ambiguous. TCCC also objects to Request No. 140 on the grounds that the request improperly requests the admission of a negative.

Subject to and without waiving the foregoing objections, TCCC admits that, to the best of TCCC's knowledge, TCCC has never used "PURE ZERO" as a trade name. Other than as expressly so admitted, TCCC denies Request No. 140 as stated.

REQUEST NO. 141:

The phrase "DIET RITE PURE ZERO" is not the same as any trade name ever used by TCCC.

RESPONSE TO REQUEST NO. 141:

TCCC objects to Request No. 141 on the grounds that the request is vague and ambiguous, and the phrase "the same as any trade name" is vague and ambiguous. TCCC also objects to Request No. 141 on the grounds that the request improperly requests the admission of a negative.

Subject to and without waiving the foregoing objections, TCCC admits that, to the best of TCCC's knowledge, TCCC has never used "DIET RITE PURE ZERO" as a trade name. Other than as expressly so admitted, TCCC denies Request No. 141 as stated.

REQUEST NO. 142:

The phrase "PURE ZERO" is not a close approximation of any trade name ever used by TCCC.

RESPONSE TO REQUEST NO. 142:

TCCC objects to Request No. 142 on the grounds that the request is vague and ambiguous, and the phrase "close approximation" is undefined and unclear within the context of the request. TCCC also objects to Request No. 142 on the grounds that the request improperly requests the admission of a negative.

Subject to and without waiving the foregoing objections, TCCC admits that, to the best of TCCC's knowledge, TCCC has never used "PURE ZERO" or any name that in its entirety is indistinguishable from "PURE ZERO" as a trade name in the United States. Other than as expressly so admitted, TCCC denies Request No. 142 as stated.

REQUEST NO. 143:

The phrase "DIET RITE PURE ZERO" is not a close approximation of any trade name ever used by TCCC.

RESPONSE TO REQUEST NO. 143:

TCCC objects to Request No. 143 on the grounds that the request is vague and ambiguous, and the phrase "close approximation" is undefined and unclear within the context of the request. TCCC also objects to Request No. 143 on the grounds that the request improperly requests the admission of a negative

Subject to and without waiving the foregoing objections, TCCC admits that, to the best of TCCC's knowledge, TCCC has never used "DIET RITE PURE ZERO" or any name that in its entirety is indistinguishable from "DIET RITE PURE ZERO" as a trade name in the United States. Other than as expressly so admitted, TCCC denies Request No. 143 as stated.

This 25th day of March, 2009.

KING & SPALDING LLP

Bruce W. Baber
Emily B. Brown

1180 Peachtree Street
Atlanta, Georgia 30309
Telephone: 404-572-4600
Facsimile: 404-572-5134

Attorneys for Applicant and Opposer
THE COCA-COLA COMPANY

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing Responses Of The Coca-Cola Company To Royal Crown's Second Set Of Requests For Admission in the above-captioned matter upon Royal Crown Company, Inc., by causing a true and correct copy thereof to be deposited in the United States Mail, postage prepaid, addressed to counsel of record for Royal Crown Company, Inc. as follows:

Ms. Barbara A. Solomon
Ms. Laura Popp-Rosenberg
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, New York 10017

This 25th day of March, 2009.

Bruce W. Baber

EXHIBIT 15

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

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

--and--

THE COCA-COLA COMPANY,	:	
	:	
RC,	:	Opposition No. 91184434
	:	
- against -	:	
	:	
ROYAL CROWN COMPANY, INC.,	:	
	:	
TCCC.	:	

ROYAL CROWN'S THIRD SET OF REQUESTS FOR ADMISSION

Pursuant to Rule 2.120(h) of the Trademark Rules of Practice and Rule 36 of the Federal Rules of Civil Procedure, Royal Crown Company, Inc. requests that The Coca-Cola Company admit the truth of the following matters by providing written responses thereto to Fross Zelnick Lehrman & Zissu, P.C., 866 United Nations Plaza, New York, New York 10017, Attention: Laura Popp-Rosenberg, within the time specified by the Trademark Rules of Practice and the Federal Rules of Civil Procedure.

DEFINITIONS

1. The Definitions set forth or incorporated by reference in Royal Crown's Second Set of Requests for the Production of Documents and Things to The Coca-Cola Company are incorporated as if fully set forth herein.

2. "Use" (and "used") means "use in commerce" as defined in Section 45 of Lanham Act, 15 U.S.C. § 1127.

INSTRUCTIONS

The Instructions set forth or incorporated by reference in Opposer's First Set of Requests for Admission are incorporated as if fully set forth herein.

REQUESTS FOR ADMISSION

144. As of February 28, 2005, TCCC had never sold any goods bearing the mark COCA-COLA ZERO in the United States.

145. As of February 28, 2005, TCCC had never sold any goods bearing the mark COKE ZERO in the United States.

146. As of February 28, 2005, TCCC had never sold any goods bearing the mark SPRITE ZERO in the United States.

147. As of February 28, 2005, TCCC had never sold any goods bearing the mark PIBB ZERO in the United States.

148. As of February 28, 2005, TCCC had never sold any goods bearing the mark COKE CHERRY ZERO in the United States.

149. As of February 28, 2005, TCCC had never sold any goods bearing the mark CHERRY COCA-COLA ZERO in the United States.

150. As of February 28, 2005, TCCC had never sold any goods bearing the mark COCA-COLA VANILLA ZERO in the United States.

151. As of February 28, 2005, TCCC had never sold any goods bearing the mark CHERRY COKE ZERO in the United States.

152. As of February 28, 2005, TCCC had never sold any goods bearing the mark COCA-COLA CHERRY ZERO in the United States.

153. As of February 28, 2005, TCCC had never sold any goods bearing the mark COKE ZERO BOLD in the United States.

154. As of February 28, 2005, TCCC had never sold any goods bearing the mark COKE ZERO ENERGY in the United States.

155. As of February 28, 2005, TCCC had never sold any goods bearing the mark VANILLA COKE ZERO in the United States.

156. As of February 28, 2005, TCCC had never sold any goods bearing the mark POWERADE ZERO in the United States.

157. As of February 28, 2005, TCCC had never sold any goods bearing the mark FANTA ZERO in the United States.

158. As of February 28, 2005, TCCC had never sold any goods bearing the mark VANILLA COCA-COLA ZERO in the United States.

159. As of February 28, 2005, TCCC had never sold any goods bearing the mark FULL THROTTLE ZERO in the United States.

160. As of February 28, 2005, TCCC had never sold any goods bearing the mark VAULT ZERO in the United States.

161. As of February 28, 2005, TCCC had not used the mark COCA-COLA ZERO in the United States.

162. As of February 28, 2005, TCCC had not used the mark COKE ZERO in the United States.

163. As of February 28, 2005, TCCC had not used the mark SPRITE ZERO in the United States.

164. As of February 28, 2005, TCCC had not used the mark PIBB ZERO in the United States.

165. As of February 28, 2005, TCCC had not used the mark COKE CHERRY ZERO in the United States.

166. As of February 28, 2005, TCCC had not used the mark CHERRY COCA-COLA ZERO in the United States.

167. As of February 28, 2005, TCCC had not used the mark COCA-COLA VANILLA ZERO in the United States.

168. As of February 28, 2005, TCCC had not used the mark CHERRY COKE ZERO in the United States.

169. As of February 28, 2005, TCCC had not used the mark COCA-COLA CHERRY ZERO in the United States.

170. As of February 28, 2005, TCCC had not used the mark COKE ZERO BOLD in the United States.

171. As of February 28, 2005, TCCC had not used mark COKE ZERO ENERGY in the United States.

172. As of February 28, 2005, TCCC had not used the mark VANILLA COKE ZERO in the United States.

173. As of February 28, 2005, TCCC had not used the mark POWERADE ZERO in the United States.

174. As of February 28, 2005, TCCC had not used the mark FANTA ZERO in the United States.

175. As of February 28, 2005, TCCC had not used the mark VANILLA COCA-COLA ZERO in the United States.

176. As of February 28, 2005, TCCC had not used the mark FULL THROTTLE ZERO in the United States.

177. As of February 28, 2005, TCCC had not used the mark VAULT ZERO in the United States.

178. As of February 28, 2005, TCCC had never promoted any goods bearing the mark COCA-COLA ZERO in the United States.

179. As of February 28, 2005, TCCC had never promoted any goods bearing the mark COKE ZERO in the United States.

180. As of February 28, 2005, TCCC had never promoted any goods bearing the mark SPRITE ZERO in the United States.

181. As of February 28, 2005, TCCC had never promoted any goods bearing the mark PIBB ZERO in the United States.

182. As of February 28, 2005, TCCC had never promoted any goods bearing the mark COKE CHERRY ZERO in the United States.

183. As of February 28, 2005, TCCC had never promoted any goods bearing the mark CHERRY COCA-COLA ZERO in the United States.

184. As of February 28, 2005, TCCC had never promoted any goods bearing the mark COCA-COLA VANILLA ZERO in the United States.

185. As of February 28, 2005, TCCC had never promoted any goods bearing the mark CHERRY COKE ZERO in the United States.

186. As of February 28, 2005, TCCC had never promoted any goods bearing the mark COCA-COLA CHERRY ZERO in the United States.

187. As of February 28, 2005, TCCC had never promoted any goods bearing the mark COKE ZERO BOLD in the United States.

188. As of February 28, 2005, TCCC had never promoted any goods bearing the mark COKE ZERO ENERGY in the United States.

189. As of February 28, 2005, TCCC had never promoted any goods bearing the mark VANILLA COKE ZERO in the United States.

190. As of February 28, 2005, TCCC had never promoted any goods bearing the mark POWERADE ZERO in the United States.

191. As of February 28, 2005, TCCC had never promoted any goods bearing the mark FANTA ZERO in the United States.

192. As of February 28, 2005, TCCC had never promoted any goods bearing the mark VANILLA COCA-COLA ZERO in the United States.

193. As of February 28, 2005, TCCC had never promoted any goods bearing the mark FULL THROTTLE ZERO in the United States.

194. As of February 28, 2005, TCCC had never promoted any goods bearing the mark VAULT ZERO in the United States.

195. As of February 28, 2005, TCCC had never disseminated to the consuming public in the United States marketing materials mentioning more than one of TCCC's Marks.

196. TCCC or a predecessor-in-interest first sold goods in the United States bearing the mark SPRITE at least as early as 1961.

197. TCCC or a predecessor-in-interest has sold goods in the United States bearing the mark SPRITE continuously since at least as early as 1961.

198. TCCC or a predecessor-in-interest first sold goods in the United States bearing the mark DIET SPRITE in 1983.

199. TCCC or a predecessor-in-interest first sold goods in the United States bearing the mark DIET SPRITE at least as early as 1990.

200. TCCC or a predecessor-in-interest sold goods in the United States bearing the mark DIET SPRITE continuously from 1983 through at least 2004.

201. TCCC or a predecessor-in-interest sold goods in the United States bearing the mark DIET SPRITE continuously from at least as early as 1990 through at least 2004.

202. TCCC or a predecessor-in-interest first used the mark SPRITE in the United States at least as early as 1961.

203. TCCC or a predecessor-in-interest has used the mark SPRITE in the United States continuously since at least as early as 1961.

204. TCCC or a predecessor-in-interest first used the mark DIET SPRITE in the United States in 1983.

205. TCCC or a predecessor-in-interest first used the mark DIET SPRITE in the United States at least as early as 1990.

206. TCCC or a predecessor-in-interest used the mark DIET SPRITE in the United States continuously from 1983 through at least 2004.

207. TCCC or a predecessor-in-interest used the mark DIET SPRITE in the United States continuously from at least as early as 1990 through at least 2004.

208. TCCC never communicated to any owner of the mark DIET RITE any objection to the mark DIET RITE.

209. TCCC never communicated to any owner of the mark DIET RITE any objection to the mark DIET RITE based on TCCC's rights in SPRITE.

210. TCCC never communicated to any owner of the mark DIET RITE any objection to the mark DIET RITE based on TCCC's rights in DIET SPRITE.

211. The website available at http://www.virtualvender.coca-cola.com is owned by TCCC.

212. The website available at http://www.virtualvender.coca-cola.com is controlled by TCCC.

213. The document attached as Exhibit A hereto is an accurate reproduction of a webpage available on the website http://www.virtualvender.coca-cola.com.

214. The document attached as Exhibit A hereto is an accurate reproduction of a webpage available on the website http://www.virtualvender.coca-cola.com providing a "Product Description" for the product COCA-COLA ZERO.

215. The document attached as Exhibit B hereto is an accurate reproduction of a webpage available on the website http://www.virtualvender.coca-cola.com.

216. The document attached as Exhibit B hereto is an accurate reproduction of a webpage available on the website http://www.virtualvender.coca-cola.com providing a "Product Description" for the product SPRITE ZERO.

217. The document attached as Exhibit C hereto is an accurate reproduction of a webpage available on the website http://www.virtualvender.coca-cola.com.

218. The document attached as Exhibit C hereto is an accurate reproduction of a webpage available on the website http://www.virtualvender.coca-cola.com providing a "Product Description" for the product CHERRY COKE ZERO.

219. The document attached as Exhibit D hereto is an accurate reproduction of a webpage available on the website http://www.virtualvender.coca-cola.com.

220. The document attached as Exhibit D hereto is an accurate reproduction of a webpage available on the website http://www.virtualvender.coca-cola.com providing a "Product Description" for the product VANILLA COKE ZERO.

221. The document attached as Exhibit E hereto is an accurate reproduction of a webpage available on the website http://www.virtualvender.coca-cola.com.

222. The document attached as Exhibit E hereto is an accurate reproduction of a webpage available on the website http://www.virtualvender.coca-cola.com providing a "Product Description" for the product POWERADE ZERO.

223. The document attached as Exhibit F hereto is an accurate reproduction of a webpage available on the website http://www.virtualvender.coca-cola.com.

224. The document attached as Exhibit F hereto is an accurate reproduction of a webpage available on the website http://www.virtualvender.coca-cola.com providing a "Product Description" for the product FANTA ZERO.

Dated: New York, New York
February 23, 2010

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
(212) 813-5900

Attorneys for Royal Crown Co., Inc.

EXHIBIT A

The Coca-Cola Company

Product Descriptions

Did you know The Coca-Cola Company offers a portfolio of more than 3,000 products in over 200 countries?

Well, we do! From Inca Kola, a sparkling beverage found in North and South America, and Samurai, an energy drink available in Asia; to Vita, an African juice drink, and BonAqua, a water found on four continents, our product variety spans the globe!

Use the dropdowns below to learn about our products from around the world.

SELECT A REGION

SELECT A LOCATION

SELECT A DRINK TYPE

SELECT A BRAND

GO

Brand Name: Coca-Cola Zero

Drink Type: Soft Drink

Coca-Cola Zero: Coca-Cola Zero offers Coca-Cola taste with zero calories. Created with young adults in mind, this soft drink is sweetened with a blend of aspartame and acesulfame potassium (Ace K).

Learn more by visiting CocaColaZero.com

Available in the following flavor: Cola.

Available in the following locations: Albania, American Samoa, Argentina, Australia, Austria, Bahamas, Bahrain, Belgium, Bolivia, Bosnia & Herzegovina, Brazil, Canada, Chile, China, Colombia, Croatia, Cyprus, Czech Republic, Democratic Republic of Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Finland, France, French Guiana, French Polynesia, Germany, Great Britain, Greece, Guadeloupe, Guam, Honduras, Hong Kong, Hungary, Iceland, Indonesia, Israel, Italy, Japan, Jordan, Kuwait, Luxembourg, Macau (Macao), Malta, Mariana Islands, Martinique, Mauritania, Mexico, Mongolia, Morocco, Nauru, Netherlands, New Caledonia, New Zealand, Northern Ireland, Norway, Oman, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Puerto Rico,

EXHIBIT B

The Coca-Cola Company

Product Descriptions

Did you know The Coca-Cola Company offers a portfolio of more than 3,000 products in over 200 countries?

Well, we do! From Inca Kola, a sparkling beverage found in North and South America, and Samurai, an energy drink available in Asia; to Vita, an African juice drink, and BonAqua, a water found on four continents, our product variety spans the globe!

Use the dropdowns below to learn about our products from around the world.

SELECT A REGION

SELECT A LOCATION

SELECT A DRINK TYPE

SELECT A BRAND

GO

Brand Name: Sprite Zero/diet Sprite

Drink Type: Soft Drink

Sprite Zero/diet Sprite: Known as Sprite Zero in some locations and as diet Sprite or diet Sprite Zero in others, it has a crisp, clean taste, and is the no-sugar, no-carb version of the world's leading lemon-lime flavored soft drink.

Available in the following flavor: Lemon Lime.

Available in the following locations: Argentina, Australia, Bahamas, Bahrain, Barbados, Belgium, Bermuda, Bolivia, Brazil, British Virgin Islands, Canada, Cayman Islands, Chile, Colombia, Cyprus, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Fiji, Finland, France, French Polynesia, Germany, Great Britain, Greece, Grenada, Guam, Honduras, Hong Kong, Iceland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Luxembourg, Macau (Macao), Malta, Mariana Islands, Mauritius, Mexico, Morocco, Namibia, Nauru, Netherlands, New Caledonia, New Zealand, Northern Ireland, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Puerto Rico, Qatar, Republic of Ireland, Saint Maarteen, Samoa, Saudi Arabia, Singapore, South Africa, Spain, Suriname, Swaziland, Sweden, Switzerland, Taiwan, Thailand, Tonga, Trinidad & Tobago, Turks & Caicos Islands, U.S. Virgin Islands, United Arab Emirates, United States, Uruguay, Vanuatu and West Bank-Gaza.

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European Undertaking

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EXHIBIT C

The Coca-Cola Company

Product Descriptions

Did you know The Coca-Cola Company offers a portfolio of more than 3,000 products in over 200 countries?

Well, we do! From Inca Kola, a sparkling beverage found in North and South America, and Samurai, an energy drink available in Asia; to Vita, an African juice drink, and BonAqua, a water found on four continents, our product variety spans the globe!

Use the dropdowns below to learn about our products from around the world.

SELECT A REGION

SELECT A LOCATION

SELECT A DRINK TYPE

SELECT A BRAND

GO

Brand Name: cherry Coke zero

Drink Type: Soft Drink

cherry Coke zero: A no-calorie sparkling beverage, cherry Coke zero combines the great taste of Coca-Cola with a sweet, cherry flavor to deliver a refreshing, distinctive drinking experience. Both cherry Coke zero and cherry Coke appeal to multicultural youth and feature updated packaging designed by Rocawear, the trend-setting apparel brand founded by hip-hop icon Shawn "Jay-Z" Carter.

Available in the following flavor: Cherry Cola.

Available in the following location: United States.

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EXHIBIT D

The Coca-Cola Company

Product Descriptions

Did you know The Coca-Cola Company offers a portfolio of more than 3,000 products in over 200 countries?

Well, we do! From Inca Kola, a sparkling beverage found in North and South America, and Samurai, an energy drink available in Asia; to Vita, an African juice drink, and BonAqua, a water found on four continents, our product variety spans the globe!

Use the dropdowns below to learn about our products from around the world.

SELECT A REGION

SELECT A LOCATION

SELECT A DRINK TYPE

SELECT A BRAND

GO

Brand Name: Vanilla Coke Zero

Drink Type: Soft Drink

Vanilla Coke Zero: Also known as diet Vanilla Coke in some locations.

Available in the following flavor: Vanilla Cola.

Available in the following locations: Australia, Canada, Hong Kong, Nauru and United States.

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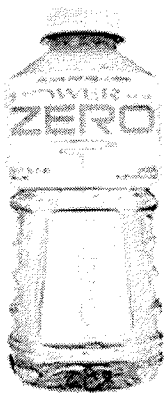
EXHIBIT E

The Coca-Cola Company

Product Descriptions

Did you know The Coca-Cola Company offers a portfolio of more than 3,000 products in over 200 countries?

Well, we do! From Inca Kola, a sparkling beverage found in North and South America, and Samurai, an energy drink available in Asia; to Vita, an African juice drink, and BonAqua, a water found on four continents, our product variety spans the globe!



Use the dropdowns below to learn about our products from around the world.

SELECT A REGION

SELECT A LOCATION

SELECT A DRINK TYPE

SELECT A BRAND

GO

Brand Name: POWERADE ZERO

Drink Type: Sports Drink

POWERADE ZERO: Zero calories. Zero limits. Electrolytes and vitamins without the calories.

Available in the following flavors: Grape, Mixed Berry and Strawberry.

Available in the following locations: Australia, Canada, New Zealand, United States and Vanuatu.

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© 2006-2009 The Coca-Cola Company

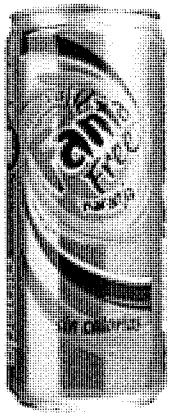
EXHIBIT F

The Coca-Cola Company

Product Descriptions

Did you know The Coca-Cola Company offers a portfolio of more than 3,000 products in over 200 countries?

Well, we do! From Inca Kola, a sparkling beverage found in North and South America, and Samurai, an energy drink available in Asia; to Vita, an African juice drink, and BonAqua, a water found on four continents, our product variety spans the globe!



Use the dropdowns below to learn about our products from around the world.

SELECT A REGION

SELECT A LOCATION

SELECT A DRINK TYPE

SELECT A BRAND

GO

Brand Name: diet Fanta/Fanta light/Fanta Zero/Fanta Free

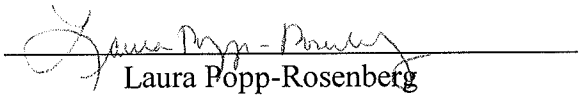
Drink Type: Soft Drink

Available in the following flavors: Apple, Apple Lime, Apple Pear, Cherry, Grape, Grapefruit, Grapefruit Lemon, Grapefruit Lemon Lime, Grapefruit Pineapple, Grapefruit Raspberry, Lemon, Orange, Orange Peach and Orange Raspberry.

Available in the following locations: Argentina, Australia, Bahrain, Belgium, Bolivia, Brazil, Bulgaria, Chile, Croatia, Cyprus, Denmark, Estonia, Finland, France, French Polynesia, Germany, Great Britain, Greece, Israel, Italy, Kenya, Kuwait, Luxembourg, Macedonia, Mexico, Netherlands, New Caledonia, Northern Ireland, Norway, Paraguay, Portugal, Puerto Rico, Republic of Ireland, Romania, Serbia & Montenegro, South Africa, Spain, Sweden, Switzerland, Tunisia, United Arab Emirates, United States and Uruguay.

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of **Royal Crown's Third Set of Requests for Admission** to be deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to counsel for TCCC, Bruce Baber, Esq., King & Spalding LLP, 1185 Avenue of the Americas, New York, NY 10036-4003, this 23rd day of February, 2010.



Laura Popp-Rosenberg

{F0586054.1 }

EXHIBIT 16

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ROYAL CROWN COMPANY, INC.,	)	Consolidated Proceedings:
	)	
Opposer,	)	OPPOSITION NO. 91178927
	)	OPPOSITION NO. 91180771
v.	)	OPPOSITION NO. 91180772
	)	OPPOSITION NO. 91183482
THE COCA-COLA COMPANY,	)	OPPOSITION NO. 91185755
	)	OPPOSITION NO. 91186579
Applicant.	)	
-- and --		
THE COCA-COLA COMPANY,	)	
	)	
Opposer,	)	
	)	
v.	)	OPPOSITION NO. 91184434
	)	
ROYAL CROWN COMPANY, INC.,	)	
	)	
Applicant	)	

RESPONSES OF THE COCA-COLA COMPANY TO
ROYAL CROWN'S THIRD SET OF REQUESTS FOR ADMISSION

The Coca-Cola Company ("TCCC"), by and through its undersigned counsel and in accordance with Rule 36 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, hereby responds as follows to "Royal Crown's Third Set Of Requests For Admission" ("RC's Third Requests for Admission"), served by Royal Crown Company, Inc. ("RC") on February 23, 2010.

GENERAL OBJECTIONS

1.

TCCC objects to RC's Third Requests for Admission, and the "Definitions" set forth or incorporated by reference in Royal Crown's Second Set of Requests for Production of Documents and Things and "Instructions" set forth or incorporated by reference in Royal Crown's First Set of Requests for Admission to the extent that they can be construed to impose on TCCC obligations greater than or different from those imposed under the Federal Rules of Civil Procedure and the Trademark Rules of Practice. TCCC has responded to RC's Third Requests for Admission in accordance with those rules and not necessarily in accordance with RC's instructions.

2.

TCCC objects to RC's Third Requests for Admission to the extent they seek information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Such information shall not be provided in response to RC's Third Requests for Admission, and any inadvertent disclosure thereof shall not be deemed a waiver of any privilege or protection with respect to such information.

3.

TCCC objects to RC's Third Requests for Admission to the extent that they seek information that is neither relevant to the subject matter involved in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

4.

TCCC objects to RC's Third Requests for Admission to the extent that they are overbroad, unduly burdensome, redundant and unreasonable in scope.

5.

The following responses reflect TCCC's present knowledge, information and belief and may be subject to change or modification based on TCCC's further discovery, or on facts and circumstances that may come to TCCC's knowledge.

OBJECTIONS AND RESPONSES

Subject to and without waiving any of the foregoing general objections, TCCC responds as follows to RC's separately-numbered requests for admission:

REQUEST NO. 144:

As of February 28, 2005, TCCC had never sold any goods bearing the mark COCA-COLA ZERO in the United States.

RESPONSE TO REQUEST NO. 144:

TCCC objects to Request No. 144 on the grounds that the request is vague and ambiguous, and the phrase "had never sold" is vague and ambiguous. TCCC further objects to Request No. 144 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not sold any goods bearing the mark COCA-COLA ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 144 as stated.

REQUEST NO. 145:

As of February 28, 2005, TCCC had never sold any goods bearing the mark COKE ZERO in the United States.

RESPONSE TO REQUEST NO. 145:

TCCC objects to Request No. 145 on the grounds that the request is vague and ambiguous, and the phrase "had never sold" is vague and ambiguous. TCCC further objects to Request No. 145 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not sold any goods bearing the mark COKE ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 145 as stated.

REQUEST NO. 146:

As of February 28, 2005, TCCC had never sold any goods bearing the mark SPRITE ZERO in the United States.

RESPONSE TO REQUEST NO. 146:

TCCC objects to Request No. 146 on the grounds that the request is vague and ambiguous, and the phrase "had never sold" is vague and ambiguous. TCCC further objects to Request No. 146 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 146.

REQUEST NO. 147:

As of February 28, 2005, TCCC had never sold any goods bearing the mark PIBB ZERO in the United States.

RESPONSE TO REQUEST NO. 147:

TCCC objects to Request No. 147 on the grounds that the request is vague and ambiguous, and the phrase "had never sold" is vague and ambiguous. TCCC further objects to Request No. 147 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not sold any goods bearing the mark PIBB ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 147 as stated.

REQUEST NO. 148:

As of February 28, 2005, TCCC had never sold any goods bearing the mark COKE CHERRY ZERO in the United States.

RESPONSE TO REQUEST NO. 148:

TCCC objects to Request No. 148 on the grounds that the request is vague and ambiguous, and the phrase "had never sold" is vague and ambiguous. TCCC further objects to Request No. 148 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not sold any goods bearing the mark COKE CHERRY ZERO in the United States

as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 148 as stated.

REQUEST NO. 149:

As of February 28, 2005, TCCC had never sold any goods bearing the mark CHERRY COCA-COLA ZERO in the United States.

RESPONSE TO REQUEST NO. 149:

TCCC objects to Request No. 149 on the grounds that the request is vague and ambiguous, and the phrase "had never sold" is vague and ambiguous. TCCC further objects to Request No. 149 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not sold any goods bearing the mark CHERRY COCA-COLA ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 149 as stated.

REQUEST NO. 150:

As of February 28, 2005, TCCC had never sold any goods bearing the mark COCA-COLA VANILLA ZERO in the United States.

RESPONSE TO REQUEST NO. 150:

TCCC objects to Request No. 150 on the grounds that the request is vague and ambiguous, and the phrase "had never sold" is vague and ambiguous. TCCC further objects to Request No. 150 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not sold any goods bearing the mark COCA-COLA VANILLA ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 150 as stated.

REQUEST NO. 151:

As of February 28, 2005, TCCC had never sold any goods bearing the mark CHERRY COKE ZERO in the United States.

RESPONSE TO REQUEST NO. 151:

TCCC objects to Request No. 151 on the grounds that the request is vague and ambiguous, and the phrase "had never sold" is vague and ambiguous. TCCC further objects to Request No. 151 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not sold any goods bearing the mark CHERRY COKE ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 151 as stated.

REQUEST NO. 152:

As of February 28, 2005, TCCC had never sold any goods bearing the mark COCA-COLA CHERRY ZERO in the United States.

RESPONSE TO REQUEST NO. 152:

TCCC objects to Request No. 152 on the grounds that the request is vague and ambiguous, and the phrase "had never sold" is vague and ambiguous. TCCC further objects to Request No. 152 on the grounds that the request seeks admissions as to

matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not sold any goods bearing the mark COCA-COLA CHERRY ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 152 as stated.

REQUEST NO. 153:

As of February 28, 2005, TCCC had never sold any goods bearing the mark COKE ZERO BOLD in the United States.

RESPONSE TO REQUEST NO. 153:

TCCC objects to Request No. 153 on the grounds that the request is vague and ambiguous, and the phrase "had never sold" is vague and ambiguous. TCCC further objects to Request No. 153 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not sold any goods bearing the mark COKE ZERO BOLD in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 153 as stated.

REQUEST NO. 154:

As of February 28, 2005, TCCC had never sold any goods bearing the mark COKE ZERO ENERGY in the United States.

RESPONSE TO REQUEST NO. 154:

TCCC objects to Request No. 154 on the grounds that the request is vague and ambiguous, and the phrase "had never sold" is vague and ambiguous. TCCC further objects to Request No. 154 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not sold any goods bearing the mark COKE ZERO ENERGY in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 154 as stated.

REQUEST NO. 155:

As of February 28, 2005, TCCC had never sold any goods bearing the mark VANILLA COKE ZERO in the United States.

RESPONSE TO REQUEST NO. 155:

TCCC objects to Request No. 155 on the grounds that the request is vague and ambiguous, and the phrase "had never sold" is vague and ambiguous. TCCC further objects to Request No. 155 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not sold any goods bearing the mark VANILLA COKE ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 155 as stated.

REQUEST NO. 156:

As of February 28, 2005, TCCC had never sold any goods bearing the mark POWERADE ZERO in the United States.

RESPONSE TO REQUEST NO. 156:

TCCC objects to Request No. 156 on the grounds that the request is vague and ambiguous, and the phrase "had never sold" is vague and ambiguous. TCCC further objects to Request No. 156 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not sold any goods bearing the mark POWERADE ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 156 as stated.

REQUEST NO. 157:

As of February 28, 2005, TCCC had never sold any goods bearing the mark FANTA ZERO in the United States.

RESPONSE TO REQUEST NO. 157:

TCCC objects to Request No. 157 on the grounds that the request is vague and ambiguous, and the phrase "had never sold" is vague and ambiguous. TCCC further objects to Request No. 157 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not sold any goods bearing the mark FANTA ZERO in the United States as of

February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 157 as stated.

REQUEST NO. 158:

As of February 28, 2005, TCCC had never sold any goods bearing the mark VANILLA COCA-COLA ZERO in the United States.

RESPONSE TO REQUEST NO. 158:

TCCC objects to Request No. 158 on the grounds that the request is vague and ambiguous, and the phrase "had never sold" is vague and ambiguous. TCCC further objects to Request No. 158 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not sold any goods bearing the mark VANILLA COCA-COLA ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 158 as stated.

REQUEST NO. 159:

As of February 28, 2005, TCCC had never sold any goods bearing the mark FULL THROTTLE ZERO in the United States.

RESPONSE TO REQUEST NO. 159:

TCCC objects to Request No. 159 on the grounds that the request is vague and ambiguous, and the phrase "had never sold" is vague and ambiguous. TCCC further objects to Request No. 159 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not sold any goods bearing the mark FULL THROTTLE ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 159 as stated.

REQUEST NO. 160:

As of February 28, 2005, TCCC had never sold any goods bearing the mark VAULT ZERO in the United States.

RESPONSE TO REQUEST NO. 160:

TCCC objects to Request No. 160 on the grounds that the request is vague and ambiguous, and the phrase "had never sold" is vague and ambiguous. TCCC further objects to Request No. 160 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not sold any goods bearing the mark VAULT ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 160 as stated.

REQUEST NO. 161:

As of February 28, 2005, TCCC had not used the mark COCA-COLA ZERO in the United States.

RESPONSE TO REQUEST NO. 161:

TCCC objects to Request No. 161 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 161 on the grounds that the request

seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not used the mark COCA-COLA ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 161 as stated.

REQUEST NO. 162:

As of February 28, 2005, TCCC had not used the mark COKE ZERO in the United States.

RESPONSE TO REQUEST NO. 162:

TCCC objects to Request No. 162 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 162 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not used the mark COKE ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 162 as stated.

REQUEST NO. 163:

As of February 28, 2005, TCCC had not used the mark SPRITE ZERO in the United States.

RESPONSE TO REQUEST NO. 163:

TCCC objects to Request No. 163 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 163 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 163.

REQUEST NO. 164:

As of February 28, 2005, TCCC had not used the mark PIBB ZERO in the United States.

RESPONSE TO REQUEST NO. 164:

TCCC objects to Request No. 164 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 164 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not used the mark PIBB ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 164 as stated.

REQUEST NO. 165:

As of February 28, 2005, TCCC had not used the mark COKE CHERRY ZERO in the United States.

RESPONSE TO REQUEST NO. 165:

TCCC objects to Request No. 165 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 165 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not used the mark COKE CHERRY ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 165 as stated.

REQUEST NO. 166:

As of February 28, 2005, TCCC had not used the mark CHERRY COCA-COLA ZERO in the United States.

RESPONSE TO REQUEST NO. 166:

TCCC objects to Request No. 166 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 166 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not used the mark CHERRY COCA-COLA ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 166 as stated.

REQUEST NO. 167:

As of February 28, 2005, TCCC had not used the mark COCA-COLA VANILLA ZERO in the United States.

RESPONSE TO REQUEST NO. 167:

TCCC objects to Request No. 167 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 167 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not used the mark COCA-COLA VANILLA ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 167 as stated.

REQUEST NO. 168:

As of February 28, 2005, TCCC had not used the mark CHERRY COKE ZERO in the United States.

RESPONSE TO REQUEST NO. 168:

TCCC objects to Request No. 168 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 168 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not used the mark CHERRY COKE ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 168 as stated.

REQUEST NO. 169:

As of February 28, 2005, TCCC had not used the mark COCA-COLA CHERRY ZERO in the United States.

RESPONSE TO REQUEST NO. 169:

TCCC objects to Request No. 169 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 169 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not used the mark COCA-COLA CHERRY ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 169 as stated.

REQUEST NO. 170:

As of February 28, 2005, TCCC had not used the mark COKE ZERO BOLD in the United States.

RESPONSE TO REQUEST NO. 170:

TCCC objects to Request No. 170 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 170 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not used the mark COKE ZERO BOLD in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 170 as stated.

REQUEST NO. 171:

As of February 28, 2005, TCCC had not used mark COKE ZERO ENERGY in the United States.

RESPONSE TO REQUEST NO. 171:

TCCC objects to Request No. 171 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 171 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not used the mark COKE ZERO ENERGY in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 171 as stated.

REQUEST NO. 172:

As of February 28, 2005, TCCC had not used the mark VANILLA COKE ZERO in the United States.

RESPONSE TO REQUEST NO. 172:

TCCC objects to Request No. 172 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 172 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not used the mark VANILLA COKE ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 172 as stated.

REQUEST NO. 173:

As of February 28, 2005, TCCC had not used the mark POWERADE ZERO in the United States.

RESPONSE TO REQUEST NO. 173:

TCCC objects to Request No. 173 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 173 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not used the mark POWERADE ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 173 as stated.

REQUEST NO. 174:

As of February 28, 2005, TCCC had not used the mark FANTA ZERO in the United States.

RESPONSE TO REQUEST NO. 174:

TCCC objects to Request No. 174 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 174 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not used the mark FANTA ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 174 as stated.

REQUEST NO. 175:

As of February 28, 2005, TCCC had not used the mark VANILLA COCA-COLA ZERO in the United States.

RESPONSE TO REQUEST NO. 175:

TCCC objects to Request No. 175 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 175 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not used the mark VANILLA COCA-COLA ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 175 as stated.

REQUEST NO. 176:

As of February 28, 2005, TCCC had not used the mark FULL THROTTLE ZERO in the United States.

RESPONSE TO REQUEST NO. 176:

TCCC objects to Request No. 176 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 176 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not used the mark FULL THROTTLE ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 176 as stated.

REQUEST NO. 177:

As of February 28, 2005, TCCC had not used the mark VAULT ZERO in the United States.

RESPONSE TO REQUEST NO. 177:

TCCC objects to Request No. 177 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 177 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not used the mark VAULT ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 177 as stated.

REQUEST NO. 178:

As of February 28, 2005, TCCC had never promoted any goods bearing the mark COCA-COLA ZERO in the United States.

RESPONSE TO REQUEST NO. 178:

TCCC objects to Request No. 178 on the grounds that the request is vague and ambiguous, and the phrase "had never promoted" is vague and ambiguous. TCCC further objects to Request No. 178 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not promoted any goods bearing the mark COCA-COLA ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 178 as stated.

REQUEST NO. 179:

As of February 28, 2005, TCCC had never promoted any goods bearing the mark COKE ZERO in the United States.

RESPONSE TO REQUEST NO. 179:

TCCC objects to Request No. 179 on the grounds that the request is vague and ambiguous, and the phrase "had never promoted" is vague and ambiguous. TCCC further objects to Request No. 179 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not promoted any goods bearing the mark COKE ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 179 as stated.

REQUEST NO. 180:

As of February 28, 2005, TCCC had never promoted any goods bearing the mark SPRITE ZERO in the United States.

RESPONSE TO REQUEST NO. 180:

TCCC objects to Request No. 180 on the grounds that the request is vague and ambiguous, and the phrase "had never promoted" is vague and ambiguous. TCCC further objects to Request No. 180 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 180.

REQUEST NO. 181:

As of February 28, 2005, TCCC had never promoted any goods bearing the mark PIBB ZERO in the United States.

RESPONSE TO REQUEST NO. 181:

TCCC objects to Request No. 181 on the grounds that the request is vague and ambiguous, and the phrase "had never promoted" is vague and ambiguous. TCCC further objects to Request No. 181 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not promoted any goods bearing the mark PIBB ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 181 as stated.

REQUEST NO. 182:

As of February 28, 2005, TCCC had never promoted any goods bearing the mark COKE CHERRY ZERO in the United States.

RESPONSE TO REQUEST NO. 182:

TCCC objects to Request No. 182 on the grounds that the request is vague and ambiguous, and the phrase "had never promoted" is vague and ambiguous. TCCC further objects to Request No. 182 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not promoted any goods bearing the mark COKE CHERRY ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 182 as stated.

REQUEST NO. 183:

As of February 28, 2005, TCCC had never promoted any goods bearing the mark CHERRY COCA-COLA ZERO in the United States.

RESPONSE TO REQUEST NO. 183:

TCCC objects to Request No. 183 on the grounds that the request is vague and ambiguous, and the phrase "had never promoted" is vague and ambiguous. TCCC further objects to Request No. 183 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and are is reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not promoted any goods bearing the mark CHERRY COCA-COLA ZERO in the

United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 183 as stated.

REQUEST NO. 184:

As of February 28, 2005, TCCC had never promoted any goods bearing the mark COCA-COLA VANILLA ZERO in the United States.

RESPONSE TO REQUEST NO. 184:

TCCC objects to Request No. 184 on the grounds that the request is vague and ambiguous, and the phrase "had never promoted" is vague and ambiguous. TCCC further objects to Request No. 184 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not promoted any goods bearing the mark COCA-COLA VANILLA ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 184 as stated.

REQUEST NO. 185:

As of February 28, 2005, TCCC had never promoted any goods bearing the mark CHERRY COKE ZERO in the United States.

RESPONSE TO REQUEST NO. 185:

TCCC objects to Request No. 185 on the grounds that the request is vague and ambiguous, and the phrase "had never promoted" is vague and ambiguous. TCCC further objects to Request No. 185 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not promoted any goods bearing the mark CHERRY COKE ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 185 as stated.

REQUEST NO. 186:

As of February 28, 2005, TCCC had never promoted any goods bearing the mark COCA-COLA CHERRY ZERO in the United States.

RESPONSE TO REQUEST NO. 186:

TCCC objects to Request No. 186 on the grounds that the request is vague and ambiguous, and the phrase "had never promoted" is vague and ambiguous. TCCC further objects to Request No. 186 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not promoted any goods bearing the mark COCA-COLA CHERRY ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 186 as stated.

REQUEST NO. 187:

As of February 28, 2005, TCCC had never promoted any goods bearing the mark COKE ZERO BOLD in the United States.

RESPONSE TO REQUEST NO. 187:

TCCC objects to Request No. 187 on the grounds that the request is vague and ambiguous, and the phrase "had never promoted" is vague and ambiguous. TCCC further objects to Request No. 187 on the grounds that the request seeks admissions as

to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not promoted any goods bearing the mark COKE ZERO BOLD in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 187 as stated.

REQUEST NO. 188:

As of February 28, 2005, TCCC had never promoted any goods bearing the mark COKE ZERO ENERGY in the United States.

RESPONSE TO REQUEST NO. 188:

TCCC objects to Request No. 188 on the grounds that the request is vague and ambiguous, and the phrase "had never promoted" is vague and ambiguous. TCCC further objects to Request No. 188 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence..

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not promoted any goods bearing the mark COKE ZERO ENERGY in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 188 as stated.

REQUEST NO. 189:

As of February 28, 2005, TCCC had never promoted any goods bearing the mark VANILLA COKE ZERO in the United States.

RESPONSE TO REQUEST NO. 189:

TCCC objects to Request No. 189 on the grounds that the request is vague and ambiguous, and the phrase "had never promoted" is vague and ambiguous. TCCC further objects to Request No. 189 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not promoted any goods bearing the mark VANILLA COKE ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 189 as stated.

REQUEST NO. 190:

As of February 28, 2005, TCCC had never promoted any goods bearing the mark POWERADE ZERO in the United States.

RESPONSE TO REQUEST NO. 190:

TCCC objects to Request No. 190 on the grounds that the request is vague and ambiguous, and the phrase "had never promoted" is vague and ambiguous. TCCC further objects to Request No. 190 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not promoted any goods bearing the mark POWERADE ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 190 as stated.

REQUEST NO. 191:

As of February 28, 2005, TCCC had never promoted any goods bearing the mark FANTA ZERO in the United States.

RESPONSE TO REQUEST NO. 191:

TCCC objects to Request No. 191 on the grounds that the request is vague and ambiguous, and the phrase "had never promoted" is vague and ambiguous. TCCC further objects to Request No. 191 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not promoted any goods bearing the mark FANTA ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 191 as stated.

REQUEST NO. 192:

As of February 28, 2005, TCCC had never promoted any goods bearing the mark VANILLA COCA-COLA ZERO in the United States.

RESPONSE TO REQUEST NO. 192:

TCCC objects to Request No. 192 on the grounds that the request is vague and ambiguous, and the phrase "had never promoted" is vague and ambiguous. TCCC further objects to Request No. 192 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not promoted any goods bearing the mark VANILLA COCA-COLA ZERO in the

United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 192 as stated.

REQUEST NO. 193:

As of February 28, 2005, TCCC had never promoted any goods bearing the mark FULL THROTTLE ZERO in the United States.

RESPONSE TO REQUEST NO. 193:

TCCC objects to Request No. 193 on the grounds that the request is vague and ambiguous, and the phrase "had never promoted" is vague and ambiguous. TCCC further objects to Request No. 193 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not promoted any goods bearing the mark FULL THROTTLE ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 193 as stated.

REQUEST NO. 194:

As of February 28, 2005, TCCC had never promoted any goods bearing the mark VAULT ZERO in the United States.

RESPONSE TO REQUEST NO. 194:

TCCC objects to Request No. 194 on the grounds that the request is vague and ambiguous, and the phrase "had never promoted" is vague and ambiguous. TCCC further objects to Request No. 194 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not promoted any goods bearing the mark VAULT ZERO in the United States as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 194 as stated.

REQUEST NO. 195:

As of February 28, 2005, TCCC had never disseminated to the consuming public in the United States marketing materials mentioning more than one of TCCC's Marks.

RESPONSE TO REQUEST NO. 195:

TCCC objects to Request No. 195 on the grounds that the request is vague and ambiguous, and the phrases "had never disseminated" and "mentioning" are vague and ambiguous. TCCC further objects to Request No. 195 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC had not disseminated to the consuming public in the United States any marketing materials that contain more than one of TCCC's ZERO Marks as of February 28, 2005. Other than as expressly so admitted, TCCC denies Request No. 195 as stated.

REQUEST NO. 196:

TCCC or a predecessor-in-interest first sold goods in the United States bearing the mark SPRITE at least as early as 1961.

RESPONSE TO REQUEST NO. 196:

TCCC objects to Request No. 196 on the grounds that the request is vague and ambiguous, and seeks admissions as to matters that are not relevant to these

proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that, to the best of TCCC's knowledge, TCCC or a predecessor-in-interest of TCCC first sold goods bearing the mark SPRITE in the United States in or about 1961. Other than as expressly so admitted, TCCC denies Request No. 196 as stated.

REQUEST NO. 197:

TCCC or a predecessor-in-interest has sold goods in the United States bearing the mark SPRITE continuously since at least as early as 1961.

RESPONSE TO REQUEST NO. 197:

TCCC objects to Request No. 197 on the grounds that the request is vague and ambiguous, and seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that, to the best of TCCC's knowledge, TCCC or a predecessor-in-interest of TCCC has sold goods bearing the mark SPRITE in the United States continuously since at least as early as 1961. Other than as expressly so admitted, TCCC denies Request No. 197 as stated.

REQUEST NO. 198:

TCCC or a predecessor-in-interest first sold goods in the United States bearing the mark DIET SPRITE in 1983.

RESPONSE TO REQUEST NO. 198:

TCCC objects to Request No. 198 on the grounds that the request is vague and ambiguous, and seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that, to the best of TCCC's knowledge, TCCC or a predecessor-in-interest of TCCC first sold goods bearing the mark DIET SPRITE in the United States in or about 1983. Other than as expressly so admitted, TCCC denies Request No. 198 as stated.

REQUEST NO. 199:

TCCC or a predecessor-in-interest first sold goods in the United States bearing the mark DIET SPRITE at least as early as 1990.

RESPONSE TO REQUEST NO. 199:

TCCC objects to Request No. 199 on the grounds that the request is vague and ambiguous, and seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 199 on the grounds that the request is duplicative of Request No. 198.

Subject to and without waiving the foregoing objections, TCCC admits that, to the best of TCCC's knowledge, TCCC or a predecessor-in-interest of TCCC first sold goods bearing the mark DIET SPRITE in the United States in or about 1983. Other than as expressly so admitted, TCCC denies Request No. 199 as stated.

REQUEST NO. 200:

TCCC or a predecessor-in-interest sold goods in the United States bearing the mark DIET SPRITE continuously from 1983 through at least 2004.

RESPONSE TO REQUEST NO. 200:

TCCC objects to Request No. 200 on the grounds that the request is vague and ambiguous, and seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that, to the best of TCCC's knowledge, TCCC or a predecessor-in-interest of TCCC sold goods bearing the mark DIET SPRITE in the United States continuously from 1983 through at least 2004. Other than as expressly so admitted, TCCC denies Request No. 200 as stated.

REQUEST NO. 201:

TCCC or a predecessor-in-interest sold goods in the United States bearing the mark DIET SPRITE continuously from at least as early as 1990 through at least 2004.

RESPONSE TO REQUEST NO. 201:

TCCC objects to Request No. 201 on the grounds that the request is vague and ambiguous, and seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 201 on the grounds that the request is duplicative of Request No. 200.

Subject to and without waiving the foregoing objections, TCCC admits that, to the best of TCCC's knowledge, and as TCCC stated in response to Request No. 200,

TCCC or a predecessor-in-interest of TCCC sold goods bearing the mark DIET SPRITE continuously in the United States from 1983 through at least 2004. Other than as expressly so admitted, TCCC denies Request No. 201 as stated.

REQUEST NO. 202:

TCCC or a predecessor-in-interest first used the mark SPRITE in the United States at least as early as 1961.

RESPONSE TO REQUEST NO. 202:

TCCC objects to Request No. 202 on the grounds that the request is vague and ambiguous, and seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that, to the best of TCCC's knowledge, TCCC or a predecessor-in-interest of TCCC first used the mark SPRITE in the United States in or about 1961. Other than as expressly so admitted, TCCC denies Request No. 202 as stated.

REQUEST NO. 203:

TCCC or a predecessor-in-interest has used the mark SPRITE in the United States continuously since at least as early as 1961.

RESPONSE TO REQUEST NO. 203:

TCCC objects to Request No. 203 on the grounds that the request is vague and ambiguous, and seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that, to the best of TCCC's knowledge, TCCC or a predecessor-in-interest of TCCC has used the mark SPRITE continuously in the United States since at least as early as 1961. Other than as expressly so admitted, TCCC denies Request No. 203 as stated.

REQUEST NO. 204:

TCCC or a predecessor-in-interest first used the mark DIET SPRITE in the United States in 1983.

RESPONSE TO REQUEST NO. 204:

TCCC objects to Request No. 204 on the grounds that the request is vague and ambiguous, and seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that, to the best of TCCC's knowledge, TCCC or a predecessor-in-interest of TCCC first used the mark DIET SPRITE in the United States in or about 1983. Other than as expressly so admitted, TCCC denies Request No. 204 as stated.

REQUEST NO. 205:

TCCC or a predecessor-in-interest first used the mark DIET SPRITE in the United States at least as early as 1990.

RESPONSE TO REQUEST NO. 205:

TCCC objects to Request No. 205 on the grounds that the request is vague and ambiguous, and seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible

evidence. TCCC further objects to Request No. 205 on the grounds that the request is duplicative of Request No. 204.

Subject to and without waiving the foregoing objections, TCCC admits that, to the best of TCCC's knowledge, and as TCCC stated in response to Request No. 204, TCCC or a predecessor-in-interest of TCCC first used the mark DIET SPRITE in the United States in or about 1983. Other than as expressly so admitted, TCCC denies Request No. 205 as stated.

REQUEST NO. 206:

TCCC or a predecessor-in-interest used the mark DIET SPRITE in the United States continuously from 1983 through at least 2004.

RESPONSE TO REQUEST NO. 206:

TCCC objects to Request No. 206 on the grounds that the request is vague and ambiguous, and seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that, to the best of TCCC's knowledge, TCCC or a predecessor-in-interest of TCCC used the mark DIET SPRITE continuously in the United States from 1983 through at least 2004. Other than as expressly so admitted, TCCC denies Request No. 206 as stated.

REQUEST NO. 207:

TCCC or a predecessor-in-interest used the mark DIET SPRITE in the United States continuously from at least as early as 1990 through at least 2004.

RESPONSE TO REQUEST NO. 207:

TCCC objects to Request No. 207 on the grounds that the request is vague and ambiguous, and seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 207 on the grounds that the request is duplicative of Request No. 206.

Subject to and without waiving the foregoing objections, TCCC admits that, to the best of TCCC's knowledge, and as TCCC stated in response to Request No. 206, TCCC or a predecessor-in-interest of TCCC has used the mark DIET SPRITE continuously in the United States from 1983 through at least 2004. Other than as expressly so admitted, TCCC denies Request No. 207 as stated.

REQUEST NO. 208:

TCCC never communicated to any owner of the mark DIET RITE any objection to the mark DIET RITE.

RESPONSE TO REQUEST NO. 208:

TCCC objects to Request No. 208 on the grounds that the request is vague and ambiguous, and the phrases "never communicated to any owner" and "any objection" are vague and ambiguous. TCCC further objects to Request No. 208 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 208 as stated.

REQUEST NO. 209:

TCCC never communicated to any owner of the mark DIET RITE any objection to the mark DIET RITE based on TCCC's rights in SPRITE.

RESPONSE TO REQUEST NO. 209:

TCCC objects to Request No. 209 on the grounds that the request is vague and ambiguous, and the phrases "never communicated to any owner" and "any objection" are vague and ambiguous. TCCC further objects to Request No. 209 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. TCCC also objects to Request No. 209 on the grounds that the request is, in part, duplicative of Request No. 208.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 209 as stated.

REQUEST NO. 210:

TCCC never communicated to any owner of the mark DIET RITE any objection to the mark DIET RITE based on TCCC's rights in DIET SPRITE.

RESPONSE TO REQUEST NO. 210:

TCCC objects to Request No. 210 on the grounds that the request is vague and ambiguous, and the phrases "never communicated to any owner" and "any objection" are vague and ambiguous. TCCC further objects to Request No. 210 on the grounds that the request seeks admissions as to matters that are not relevant to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 210 as stated.

REQUEST NO. 211:

The website available at http://www.virtualvender.coca-cola.com is owned by TCCC.

RESPONSE TO REQUEST NO. 211:

TCCC objects to Request No. 211 on the grounds that the request is vague and ambiguous, and the phrase "available at" is vague and ambiguous. TCCC further objects to Request No. 211 on the grounds that the request is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC is the registered owner of the sub domain name "virtualvender.coca-cola.com." Other than as expressly so admitted, TCCC denies Request No. 211 as stated.

REQUEST NO. 212:

The website available at http://www.virtualvender.coca-cola.com is controlled by TCCC.

RESPONSE TO REQUEST NO. 212:

TCCC objects to Request No. 212 on the grounds that the request is vague and ambiguous, and the phrases "available at" and "controlled by" are vague and ambiguous. TCCC further objects to Request No. 212 on the grounds that the request is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, TCCC admits that TCCC maintains control of the content that appears on the pages of the sub domain

"virtualvender.coca-cola.com." Other than as expressly so admitted, TCCC denies Request No. 212 as stated.

REQUEST NO. 213:

The document attached as Exhibit A hereto is an accurate reproduction of a webpage available on the website http://www.virtualvender.coca-cola.com.

RESPONSE TO REQUEST NO. 213:

TCCC objects to Request No. 213 on the grounds that the request is vague and ambiguous, and the phrase "an accurate reproduction of a webpage available on the website" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC admits that Exhibit A appears to be a printout of at least portions of an Internet website available through a URL that includes the sub domain name "virtualvender.coca-cola.com." Other than as expressly so admitted, TCCC denies Request No. 213 as stated.

REQUEST NO. 214:

The document attached as Exhibit A hereto is an accurate reproduction of a webpage available on the website http://www.virtualvender.coca-cola.com providing a "Product Description" for the product COCA-COLA ZERO.

RESPONSE TO REQUEST NO. 214:

TCCC objects to Request No. 214 on the grounds that the request is vague and ambiguous, and the phrase "an accurate reproduction of a webpage available on the website" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC admits that Exhibit A appears to be a printout of at least portions of an Internet website available through a URL that includes the sub domain name "virtualvender.coca-cola.com" and admits that the content shown in Exhibit A includes a "Product Description" for the

product COCA-COLA ZERO. Other than as expressly so admitted, TCCC denies Request No. 214 as stated.

REQUEST NO. 215:

The document attached as Exhibit B hereto is an accurate reproduction of a webpage available on the website http://www.virtualvender.coca-cola.com.

RESPONSE TO REQUEST NO. 215:

TCCC objects to Request No. 215 on the grounds that the request is vague and ambiguous, and the phrase "an accurate reproduction of a webpage available on the website" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC admits that Exhibit B appears to be a printout of at least portions of an Internet website available through a URL that includes the sub domain name "virtualvender.coca-cola.com." Other than as expressly so admitted, TCCC denies Request No. 215 as stated.

REQUEST NO. 216:

The document attached as Exhibit B hereto is an accurate reproduction of a webpage available on the website http://www.virtualvender.coca-cola.com providing a "Product Description" for the product SPRITE ZERO.

RESPONSE TO REQUEST NO. 216:

TCCC objects to Request No. 216 on the grounds that the request is vague and ambiguous, and the phrase "an accurate reproduction of a webpage available on the website" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC admits that Exhibit B appears to be a printout of at least portions of an Internet website available through a URL that includes the sub domain name "virtualvender.coca-cola.com" and admits that the content shown in Exhibit B includes a "Product Description" for the

product SPRITE ZERO. Other than as expressly so admitted, TCCC denies Request No. 216 as stated.

REQUEST NO. 217:

The document attached as Exhibit C hereto is an accurate reproduction of a webpage available on the website http://www.virtualvender.coca-cola.com.

RESPONSE TO REQUEST NO. 217:

TCCC objects to Request No. 217 on the grounds that the request is vague and ambiguous, and the phrase "an accurate reproduction of a webpage available on the website" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC admits that Exhibit C appears to be a printout of at least portions of an Internet website available through a URL that includes the sub domain name "virtualvender.coca-cola.com." Other than as expressly so admitted, TCCC denies Request No. 217 as stated.

REQUEST NO. 218:

The document attached as Exhibit C hereto is an accurate reproduction of a webpage available on the website http://www.virtualvender.coca-cola.com providing a "Product Description" for the product CHERRY COKE ZERO.

RESPONSE TO REQUEST NO. 218:

TCCC objects to Request No. 218 on the grounds that the request is vague and ambiguous, and the phrase "an accurate reproduction of a webpage available on the website" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC admits that Exhibit C appears to be a printout of at least portions of an Internet website available through a URL that includes the sub domain name "virtualvender.coca-cola.com" and admits that the content shown in Exhibit C includes a "Product Description" for the

product CHERRY COKE ZERO. Other than as expressly so admitted, TCCC denies Request No. 218 as stated.

REQUEST NO. 219:

The document attached as Exhibit D hereto is an accurate reproduction of a webpage available on the website http://www.virtualvender.coca-cola.com.

RESPONSE TO REQUEST NO. 219:

TCCC objects to Request No. 219 on the grounds that the request is vague and ambiguous, and the phrase "an accurate reproduction of a webpage available on the website" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC admits that Exhibit D appears to be a printout of at least portions of an Internet website available through a URL that includes the sub domain name "virtualvender.coca-cola.com." Other than as expressly so admitted, TCCC denies Request No. 219 as stated.

REQUEST NO. 220:

The document attached as Exhibit D hereto is an accurate reproduction of a webpage available on the website http://www.virtualvender.coca-cola.com providing a "Product Description" for the product VANILLA COKE ZERO.

RESPONSE TO REQUEST NO. 220:

TCCC objects to Request No. 220 on the grounds that the request is vague and ambiguous, and the phrase "an accurate reproduction of a webpage available on the website" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC admits that Exhibit D appears to be a printout of at least portions of an Internet website available through a URL that includes the sub domain name "virtualvender.coca-cola.com" and admits that the content shown in Exhibit D includes a "Product Description" for the

product VANILLA COKE ZERO. Other than as expressly so admitted, TCCC denies Request No. 220 as stated.

REQUEST NO. 221:

The document attached as Exhibit E hereto is an accurate reproduction of a webpage available on the website http://www.virtualvender.coca-cola.com.

RESPONSE TO REQUEST NO. 221:

TCCC objects to Request No. 221 on the grounds that the request is vague and ambiguous, and the phrase "an accurate reproduction of a webpage available on the website" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC admits that Exhibit E appears to be a printout of at least portions of an Internet website available through a URL that includes the sub domain name "virtualvender.coca-cola.com." Other than as expressly so admitted, TCCC denies Request No. 221 as stated.

REQUEST NO. 222:

The document attached as Exhibit E hereto is an accurate reproduction of a webpage available on the website http://www.virtualvender.coca-cola.com providing a "Product Description" for the product POWERADE ZERO.

RESPONSE TO REQUEST NO. 222:

TCCC objects to Request No. 222 on the grounds that the request is vague and ambiguous, and the phrase "an accurate reproduction of a webpage available on the website" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC admits that Exhibit E appears to be a printout of at least portions of an Internet website available through a URL that includes the sub domain name "virtualvender.coca-cola.com" and admits that the content shown in Exhibit E includes a "Product Description" for the

product POWERADE ZERO. Other than as expressly so admitted, TCCC denies Request No. 222 as stated.

REQUEST NO. 223:

The document attached as Exhibit F hereto is an accurate reproduction of a webpage available on the website http://www.virtualvender.coca-cola.com.

RESPONSE TO REQUEST NO. 223:

TCCC objects to Request No. 223 on the grounds that the request is vague and ambiguous, and the phrase "an accurate reproduction of a webpage available on the website" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC admits that Exhibit F appears to be a printout of at least portions of an Internet website available through a URL that includes the sub domain name "virtualvender.coca-cola.com." Other than as expressly so admitted, TCCC denies Request No. 223 as stated.

REQUEST NO. 224:

The document attached as Exhibit F hereto is an accurate reproduction of a webpage available on the website http://www.virtualvender.coca-cola.com providing a "Product Description" for the product FANTA ZERO.

RESPONSE TO REQUEST NO. 224:

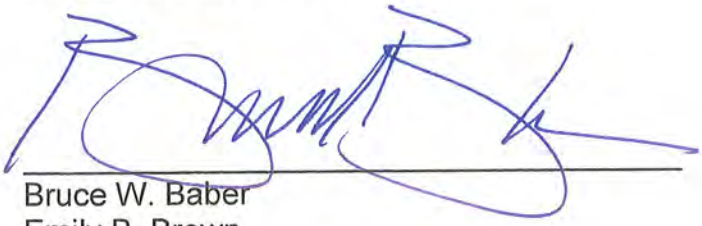
TCCC objects to Request No. 224 on the grounds that the request is vague and ambiguous, and the phrase "an accurate reproduction of a webpage available on the website" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC admits that Exhibit F appears to be a printout of at least portions of an Internet website available through a URL that includes the sub domain name "virtualvender.coca-cola.com" and admits that the content shown in Exhibit F includes a "Product Description" for the

product FANTA ZERO. Other than as expressly so admitted, TCCC denies Request No. 224 as stated.

This 30 day of March, 2010.

KING & SPALDING LLP



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Attorneys for Applicant and Opposer
THE COCA-COLA COMPANY

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing Responses Of The Coca-Cola Company To Royal Crown's Third Set Of Requests For Admission in the above-captioned matter upon Royal Crown Company, Inc., by causing a true and correct copy thereof to be deposited in the United States Mail, postage prepaid, addressed to counsel of record for Royal Crown Company, Inc. as follows:

Ms. Barbara A. Solomon
Ms. Laura Popp-Rosenberg
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, New York 10017

This 30th day of March, 2010.

Emily B. Brown

EXHIBIT 17

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

ROYAL CROWN COMPANY, INC.,	:	Consolidated Proceedings:
	:	Opposition No. 91178927
Applicant,	:	Opposition No. 91180771
	:	Opposition No. 91180772
- against -	:	Opposition No. 91183482
	:	Opposition No. 91185755
THE COCA-COLA COMPANY,	:	Opposition No. 91186579
	:	Opposition No. 91189847
Opposer.	:	Opposition No. 91190658
--and--		
THE COCA-COLA COMPANY,	:	
	:	
RC,	:	Opposition No. 91184434
	:	
- against -	:	
	:	
ROYAL CROWN COMPANY, INC.,	:	
	:	
TCCC.	:	

ROYAL CROWN'S FOURTH SET OF REQUESTS FOR ADMISSION

Pursuant to Rule 2.120(h) of the Trademark Rules of Practice and Rule 36 of the Federal Rules of Civil Procedure, Royal Crown Company, Inc. requests that The Coca-Cola Company admit the truth of the following matters by providing written responses thereto to Fross Zelnick Lehrman & Zissu, P.C., 866 United Nations Plaza, New York, New York 10017, Attention: Laura Popp-Rosenberg, within the time specified by the Trademark Rules of Practice and the Federal Rules of Civil Procedure.

DEFINITIONS

1. Except as otherwise set forth below, the Definitions set forth or incorporated by reference in Royal Crown's Fifth Set of Requests for the Production of Documents and Things to The Coca-Cola Company are incorporated as if fully set forth herein.

2. "Use" (and "used") means "use in commerce" as defined in Section 45 of Lanham Act, 15 U.S.C. § 1127.

INSTRUCTIONS

The Instructions set forth or incorporated by reference in Opposer's Third Set of Requests for Admission are incorporated as if fully set forth herein.

REQUESTS FOR ADMISSION

225. TCCC is aware of current use in the United States of the mark BIG RED ZERO in connection with beverage products distributed by North American Beverages, L.L.C.

226. TCCC is aware of current use in the United States of the phrase "BIG RED ZERO" in connection with beverage products distributed by North American Beverages, L.L.C.

227. TCCC is aware of past use in the United States of the mark BIG RED ZERO in connection with beverage products distributed by North American Beverages, L.L.C.

228. TCCC is aware of past use in the United States of the phrase "BIG RED ZERO" in connection with beverage products distributed by North American Beverages, L.L.C.

229. TCCC has taken no steps to stop use in the United States of the mark BIG RED ZERO in connection with beverage products.

230. TCCC has taken no steps to stop use in the United States of the phrase "BIG RED ZERO" in connection with beverage products.

231. TCCC has never filed a lawsuit alleging that use of the mark BIG RED ZERO constitutes trademark infringement.

232. TCCC is aware of current use in the United States of the mark ARNOLD PALMER ZERO in connection with beverage products distributed by Beverage Marketing USA, Inc.

233. TCCC is aware of past use in the United States of the mark ARNOLD PALMER ZERO in connection with beverage products distributed by Beverage Marketing USA, Inc.

234. TCCC has taken no steps to stop use in the United States of the mark ARNOLD PALMER ZERO in connection with beverage products.

235. TCCC has never filed a lawsuit alleging that use of the mark ARNOLD PALMER ZERO constitutes trademark infringement.

236. TCCC is aware of current use in the United States of the mark SQWINCHER ZERO in connection with beverage products distributed by The Sqwincher Corporation.

237. TCCC is aware of current use in the United States of the phrase "SQWINCHER ZERO" in connection with beverage products distributed by The Sqwincher Corporation.

238. TCCC is aware of past use in the United States of the mark SQWINCHER ZERO in connection with beverage products distributed by The Sqwincher Corporation.

239. TCCC is aware of past use in the United States of the phrase "SQWINCHER ZERO" in connection with beverage products distributed by The Sqwincher Corporation.

240. TCCC has taken no steps to stop use in the United States of the mark SQWINCHER ZERO in connection with beverage products.

241. TCCC has taken no steps to stop use in the United States of the phrase "SQWINCHER ZERO" in connection with beverage products.

242. TCCC has never filed a lawsuit alleging that use of the mark SQWINCHER ZERO constitutes trademark infringement.

243. TCCC is aware of current use in the United States of the mark SQWINCHER 0 in connection with beverage products distributed by The Sqwincher Corporation.

244. TCCC is aware of past use in the United States of the mark SQWINCHER 0 in connection with beverage products distributed by The Sqwincher Corporation.

245. TCCC has taken no steps to stop use in the United States of the mark SQWINCHER 0 in connection with beverage products.

246. TCCC has never filed a lawsuit alleging that use of the mark SQWINCHER 0 constitutes trademark infringement.

247. TCCC is aware of current use in the United States of the mark RED BULL ZERO in connection with beverage products distributed by Red Bull GMBH and/or Red Bull North America.

248. TCCC is aware of past use in the United States of the mark RED BULL ZERO in connection with beverage products distributed by Red Bull GMBH and/or Red Bull North America.

249. TCCC has taken no steps to stop use in the United States of the mark RED BULL ZERO in connection with beverage products.

250. TCCC has never filed a lawsuit alleging that use of the mark RED BULL ZERO constitutes trademark infringement.

251. TCCC is aware of current use in the United States of the mark RED BULL TOTAL ZERO in connection with beverage products distributed by Red Bull GMBH and/or Red Bull North America.

252. TCCC is aware of past use in the United States of the mark RED BULL TOTAL ZERO in connection with beverage products distributed by Red Bull GMBH and/or Red Bull North America.

253. TCCC has taken no steps to stop use in the United States of the mark RED BULL TOTAL ZERO in connection with beverage products.

254. TCCC has never filed a lawsuit alleging that use of the mark RED BULL TOTAL ZERO constitutes trademark infringement.

255. TCCC is aware of current use in the United States of the mark MONSTER ENERGY ABSOLUTELY ZERO in connection with beverage products distributed by Monster Energy Company.

256. TCCC is aware of past use in the United States of the mark MONSTER ENERGY ABSOLUTELY ZERO in connection with beverage products distributed by Monster Energy Company.

257. TCCC has taken no steps to stop use in the United States of the mark MONSTER ENERGY ABSOLUTELY ZERO in connection with beverage products.

258. TCCC has never filed a lawsuit alleging that use of the mark MONSTER ENERGY ABSOLUTELY ZERO constitutes trademark infringement.

259. TCCC is aware of current use in the United States of the mark ABSOLUTELY ZERO in connection with beverage products distributed by Monster Energy Company.

260. TCCC is aware of past use in the United States of the mark ABSOLUTELY ZERO in connection with beverage products distributed by Monster Energy Company.

261. TCCC has taken no steps to stop use in the United States of the mark ABSOLUTELY ZERO in connection with beverage products.

262. TCCC has never filed a lawsuit alleging that use of the mark ABSOLUTELY ZERO constitutes trademark infringement.

263. TCCC is aware of past use in the United States of the mark SODASTREAM ZERO COLA in connection with beverage products distributed by SodaStream USA.

264. TCCC has taken no steps to stop use in the United States of the mark SODASTREAM ZERO COLA in connection with beverage products.

265. TCCC has never filed a lawsuit alleging that use of the mark SODASTREAM ZERO COLA constitutes trademark infringement.

266. TCCC is aware of current use in the United States of the mark HOLISTICS ZERO in connection with beverage products distributed by Adina For Life, Inc.

267. TCCC is aware of past use in the United States of the mark HOLISTICS ZERO in connection with beverage products distributed by Adina For Life, Inc.

268. TCCC has taken no steps to stop use in the United States of the mark HOLISTICS ZERO in connection with beverage products.

269. TCCC has never filed a lawsuit alleging that use of the mark HOLISTICS ZERO constitutes trademark infringement.

270. TCCC is aware of current use in the United States of the mark ALL SPORT ZERO in connection with beverage products distributed by All Sport, Inc.

271. TCCC is aware of past use in the United States of the mark ALL SPORT ZERO in connection with beverage products distributed by All Sport, Inc.

272. TCCC has taken no steps to stop use in the United States of the mark ALL SPORT ZERO in connection with beverage products.

273. TCCC has never filed a lawsuit alleging that use of the mark ALL SPORT ZERO constitutes trademark infringement.

274. TCCC is aware of current use in the United States of the mark ALL SPORT NATURALLY ZERO in connection with beverage products distributed by All Sport, Inc.

275. TCCC is aware of past use in the United States of the mark ALL SPORT NATURALLY ZERO in connection with beverage products distributed by All Sport, Inc.

276. TCCC has taken no steps to stop use in the United States of the mark ALL SPORT NATURALLY ZERO in connection with beverage products.

277. TCCC has never filed a lawsuit alleging that use of the mark ALL SPORT NATURALLY ZERO constitutes trademark infringement.

278. TCCC is aware of current use in the United States of the mark JONES WHOOPASS ZERO in connection with beverage products distributed by Jones Soda Co. (USA) Inc.

279. TCCC is aware of past use in the United States of the mark JONES WHOOPASS ZERO in connection with beverage products distributed by Jones Soda Co. (USA) Inc.

280. TCCC has taken no steps to stop use in the United States of the mark JONES WHOOPASS ZERO in connection with beverage products.

281. TCCC has never filed a lawsuit alleging that use of the mark JONES WHOOPASS ZERO constitutes trademark infringement.

282. TCCC is aware of current use in the United States of the mark CLEARLY ZERO in connection with beverage products distributed by Sam Radfar d/b/a Global Water Co.

283. TCCC is aware of past use in the United States of the mark CLEARLY ZERO in connection with beverage products distributed by Sam Radfar d/b/a Global Water Co.

284. TCCC has taken no steps to stop use in the United States of the mark CLEARLY ZERO in connection with beverage products.

285. TCCC has never filed a lawsuit alleging that use of the mark CLEARLY ZERO constitutes trademark infringement.

286. TCCC has never filed a lawsuit alleging that use of the mark ZERO constitutes trademark infringement.

287. TCCC has never filed a lawsuit alleging that use of the mark ZERO IS GOOD constitutes trademark infringement.

288. TCCC has never filed a lawsuit alleging that use of the mark RIVER ZERO constitutes trademark infringement.

289. TCCC has never filed a lawsuit alleging that use of the mark POMBERRY ZERO constitutes trademark infringement.

290. TCCC has never filed a lawsuit alleging that use of the mark IMPULSE ZERO constitutes trademark infringement.

291. TCCC was aware of the ABA Advertising Campaign prior to May 2012.

292. TCCC reviewed the ABA Advertising Campaign.

293. TCCC did not object to the ABA Advertising Campaign.

294. TCCC approved the ABA Advertising Campaign.

295. The bottle design depicting the word "Zero" in the ABA Advertising Campaign is not proprietary to TCCC.

296. The word "Zero" used on the bottle design in the ABA Advertising Campaign is intended to refer to no-calorie beverages.

297. The word "Zero" used on the bottle design in the ABA Advertising Campaign is intended to refer to beverages that have zero calories.

298. TCCC is not aware of any objection to the ABA Advertising Campaign by any company that distributes a beverage product that incorporates the term ZERO in its name.

299. Beverage products offered under the name VITAMINWATER10 have 10 calories per serving.

Dated: New York, New York
August 17, 2012

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: _____

Barbara A. Solomon
Laura Popp-Rosenberg
Giselle C.W. Huron
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

Attorneys for Royal Crown Co., Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of **Royal Crown's Fourth Set of Requests for Admission** to be deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to counsel for TCCC, Bruce Baber, Esq., King & Spalding LLP, 1185 Avenue of the Americas, New York, NY 10036-4003, this 17th day of August, 2012.

Giselle C.W. Huron

EXHIBIT 18

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ROYAL CROWN COMPANY, INC.,	)	
	)	Consolidated Proceedings:
	)	
Opposer,	)	OPPOSITION NO. 91178927
	)	OPPOSITION NO. 91180771
v.	)	OPPOSITION NO. 91180772
	)	OPPOSITION NO. 91183482
	)	OPPOSITION NO. 91185755
THE COCA-COLA COMPANY,	)	OPPOSITION NO. 91186579
	)	OPPOSITION NO. 91189847
	)	OPPOSITION NO. 91190658
Applicant.	)	

-- and --

THE COCA-COLA COMPANY,	)	
	)	
Opposer,	)	
	)	
v.	)	OPPOSITION NO. 91184434
	)	
ROYAL CROWN COMPANY, INC.,	)	
	)	
Applicant.	)	

RESPONSES OF THE COCA-COLA COMPANY TO
ROYAL CROWN'S FOURTH SET OF REQUESTS FOR ADMISSION

The Coca-Cola Company ("TCCC"), by and through its undersigned counsel and in accordance with Rule 36 of the Federal Rules of Civil Procedure and Rules 2.116 and 2.120 of the Trademark Rules of Practice, hereby responds as follows to "Royal Crown's Fourth Set Of Requests For Admission" ("RC's Fourth Requests for Admission"), served by Royal Crown Company, Inc. ("RC") on August 17, 2012.

GENERAL OBJECTIONS

1.

TCCC objects to RC's Fourth Requests for Admission, and each individual request contained therein, on the grounds that time within which new discovery could be initiated in these proceedings closed on April 24, 2010. *See, e.g.*, Stipulation And Motion To Correct And Extend Schedule, filed May 14, 2010 (showing that discovery period "Closed on April 24, 2010"). The subsequent extensions of the testimony periods and other scheduling dates in these proceedings that have been granted since April 2010 have been sought and granted on the premise that the parties would use the additional time to complete outstanding discovery, not initiate new discovery. *See, e.g.*, Joint Motion To Extend Schedule, filed August 13, 2010 (stating that additional time was needed "to conclude open discovery items"). Although the Board's July 19, 2012 and July 23, 2012 orders resuming proceedings and correcting the schedule herein included a "discovery closes" date of August 17, 2012, neither party had requested a reopening of the discovery period or requested leave to initiate additional discovery; the Board has not entered any orders that explicitly allow for any such new or additional discovery; and RC did not discuss with TCCC the service of any additional discovery before serving RC's Fourth Requests for Admission or obtain TCCC's consent thereto. TCCC therefore believes that RC's Fourth Requests for Admission, served on August 17, 2012, is untimely and was not served during the period in which new discovery could properly be initiated.

2.

Notwithstanding the above objection, TCCC is prepared to discuss in good faith with RC's counsel whether TCCC is willing to provide to RC certain additional documents and/or information relating to the matters that are the subject of RC's Fourth Requests for Admission, to the extent those matters raise issues that are new, are material and were not covered by prior discovery requests.

RESPONSES TO REQUESTS FOR ADMISSION

Subject to and without waiving any of the foregoing general objections, TCCC responds as follows to RC's separately-numbered requests for admission:

REQUEST NO. 225:

TCCC is aware of current use in the United States of the mark BIG RED ZERO in connection with beverage products distributed by North American Beverages, L.L.C.

RESPONSE TO REQUEST NO. 225:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 225.

REQUEST NO. 226:

TCCC is aware of current use in the United States of the phrase "BIG RED ZERO" in connection with beverage products distributed by North American Beverages, L.L.C.

RESPONSE TO REQUEST NO. 226:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 226.

REQUEST NO. 227:

TCCC is aware of past use in the United States of the mark BIG RED ZERO in connection with beverage products distributed by North American Beverages, L.L.C.

RESPONSE TO REQUEST NO. 227:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 227.

REQUEST NO. 228:

TCCC is aware of past use in the United States of the phrase "BIG RED ZERO" in connection with beverage products distributed by North American Beverages, L.L.C.

RESPONSE TO REQUEST NO. 228:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 228.

REQUEST NO. 229:

TCCC has taken no steps to stop use in the United States of the mark BIG RED ZERO in connection with beverage products.

RESPONSE TO REQUEST NO. 229:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 229.

REQUEST NO. 230:

TCCC has taken no steps to stop use in the United States of the phrase "BIG RED ZERO" in connection with beverage products.

RESPONSE TO REQUEST NO. 230:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 230.

REQUEST NO. 231:

TCCC has never filed a lawsuit alleging that use of the mark BIG RED ZERO constitutes trademark infringement.

RESPONSE TO REQUEST NO. 231:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 231.

REQUEST NO. 232:

TCCC is aware of current use in the United States of the mark ARNOLD PALMER ZERO in connection with beverage products distributed by Beverage Marketing USA, Inc.

RESPONSE TO REQUEST NO. 232:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 232.

REQUEST NO. 233:

TCCC is aware of past use in the United States of the mark ARNOLD PALMER ZERO in connection with beverage products distributed by Beverage Marketing USA, Inc.

RESPONSE TO REQUEST NO. 233:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 233.

REQUEST NO. 234:

TCCC has taken no steps to stop use in the United States of the mark ARNOLD PALMER ZERO in connection with beverage products.

RESPONSE TO REQUEST NO. 234:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 234.

REQUEST NO. 235:

TCCC has never filed a lawsuit alleging that use of the mark ARNOLD PALMER ZERO constitutes trademark infringement.

RESPONSE TO REQUEST NO. 235:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 235.

REQUEST NO. 236:

TCCC is aware of current use in the United States of the mark SQWINCHER ZERO in connection with beverage products distributed by The Sqwincher Corporation.

RESPONSE TO REQUEST NO. 236:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 236.

REQUEST NO. 237:

TCCC is aware of current use in the United States of the phrase "SQWINCHER ZERO" in connection with beverage products distributed by The Sqwincher Corporation.

RESPONSE TO REQUEST NO. 237:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 237.

REQUEST NO. 238:

TCCC is aware of past use in the United States of the mark SQWINCHER ZERO in connection with beverage products distributed by The Sqwincher Corporation.

RESPONSE TO REQUEST NO. 238:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 238.

REQUEST NO. 239:

TCCC is aware of past use in the United States of the phrase "SQWINCHER ZERO" in connection with beverage products distributed by The Sqwincher Corporation.

RESPONSE TO REQUEST NO. 239:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 239.

REQUEST NO. 240:

TCCC has taken no steps to stop use in the United States of the mark SQWINCHER ZERO in connection with beverage products.

RESPONSE TO REQUEST NO. 240:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 240.

REQUEST NO. 241:

TCCC has taken no steps to stop use in the United States of the phrase "SQWINCHER ZERO" in connection with beverage products.

RESPONSE TO REQUEST NO. 241:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 241.

REQUEST NO. 242:

TCCC has never filed a lawsuit alleging that use of the mark SQWINCHER ZERO constitutes trademark infringement.

RESPONSE TO REQUEST NO. 242:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 242.

REQUEST NO. 243:

TCCC is aware of current use in the United States of the mark SQWINCHER 0 in connection with beverage products distributed by The Sqwincher Corporation.

RESPONSE TO REQUEST NO. 243:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 243.

REQUEST NO. 244:

TCCC is aware of past use in the United States of the mark SQWINCHER 0 in connection with beverage products distributed by The Sqwincher Corporation.

RESPONSE TO REQUEST NO. 244:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 244.

REQUEST NO. 245:

TCCC has taken no steps to stop use in the United States of the mark SQWINCHER 0 in connection with beverage products.

RESPONSE TO REQUEST NO. 245:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 245.

REQUEST NO. 246:

TCCC has never filed a lawsuit alleging that use of the mark SQWINCHER 0 constitutes trademark infringement.

RESPONSE TO REQUEST NO. 246:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 246.

REQUEST NO. 247:

TCCC is aware of current use in the United States of the mark RED BULL ZERO in connection with beverage products distributed by Red Bull GMBH and/or Red Bull North America.

RESPONSE TO REQUEST NO. 247:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 247.

REQUEST NO. 248:

TCCC is aware of past use in the United States of the mark RED BULL ZERO in connection with beverage products distributed by Red Bull GMBH and/or Red Bull North America.

RESPONSE TO REQUEST NO. 248:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 248.

REQUEST NO. 249:

TCCC has taken no steps to stop use in the United States of the mark RED BULL ZERO in connection with beverage products.

RESPONSE TO REQUEST NO. 249:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 249.

REQUEST NO. 250:

TCCC has never filed a lawsuit alleging that use of the mark RED BULL ZERO constitutes trademark infringement.

RESPONSE TO REQUEST NO. 250:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 250.

REQUEST NO. 251:

TCCC is aware of current use in the United States of the mark RED BULL TOTAL ZERO in connection with beverage products distributed by Red Bull GMBH and/or Red Bull North America.

RESPONSE TO REQUEST NO. 251:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 251.

REQUEST NO. 252:

TCCC is aware of past use in the United States of the mark RED BULL TOTAL ZERO in connection with beverage products distributed by Red Bull GMBH and/or Red Bull North America.

RESPONSE TO REQUEST NO. 252:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 252.

REQUEST NO. 253:

TCCC has taken no steps to stop use in the United States of the mark RED BULL TOTAL ZERO in connection with beverage products.

RESPONSE TO REQUEST NO. 253:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 253.

REQUEST NO. 254:

TCCC has never filed a lawsuit alleging that use of the mark RED BULL TOTAL ZERO constitutes trademark infringement.

RESPONSE TO REQUEST NO. 254:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 254.

REQUEST NO. 255:

TCCC is aware of current use in the United States of the mark MONSTER ENERGY ABSOLUTELY ZERO in connection with beverage products distributed by Monster Energy Company.

RESPONSE TO REQUEST NO. 255:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 255.

REQUEST NO. 256:

TCCC is aware of past use in the United States of the mark MONSTER ENERGY ABSOLUTELY ZERO in connection with beverage products distributed by Monster Energy Company.

RESPONSE TO REQUEST NO. 256:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 256.

REQUEST NO. 257:

TCCC has taken no steps to stop use in the United States of the mark MONSTER ENERGY ABSOLUTELY ZERO in connection with beverage products.

RESPONSE TO REQUEST NO. 257:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 257.

REQUEST NO. 258:

TCCC has never filed a lawsuit alleging that use of the mark MONSTER ENERGY ABSOLUTELY ZERO constitutes trademark infringement.

RESPONSE TO REQUEST NO. 258:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 258.

REQUEST NO. 259:

TCCC is aware of current use in the United States of the mark ABSOLUTELY ZERO in connection with beverage products distributed by Monster Energy Company.

RESPONSE TO REQUEST NO. 259:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 259.

REQUEST NO. 260:

TCCC is aware of past use in the United States of the mark ABSOLUTELY ZERO in connection with beverage products distributed by Monster Energy Company.

RESPONSE TO REQUEST NO. 260:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 260.

REQUEST NO. 261:

TCCC has taken no steps to stop use in the United States of the mark ABSOLUTELY ZERO in connection with beverage products.

RESPONSE TO REQUEST NO. 261:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 261.

REQUEST NO. 262:

TCCC has never filed a lawsuit alleging that use of the mark ABSOLUTELY ZERO constitutes trademark infringement.

RESPONSE TO REQUEST NO. 262:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 262.

REQUEST NO. 263:

TCCC is aware of past use in the United States of the mark SODASTREAM ZERO COLA in connection with beverage products distributed by SodaStream USA.

RESPONSE TO REQUEST NO. 263:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 263.

REQUEST NO. 264:

TCCC has taken no steps to stop use in the United States of the mark SODASTREAM ZERO COLA in connection with beverage products.

RESPONSE TO REQUEST NO. 264:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 264.

REQUEST NO. 265:

TCCC has never filed a lawsuit alleging that use of the mark SODASTREAM ZERO COLA constitutes trademark infringement.

RESPONSE TO REQUEST NO. 265:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 265.

REQUEST NO. 266:

TCCC is aware of current use in the United States of the mark HOLISTICS ZERO in connection with beverage products distributed by Adina For Life, Inc.

RESPONSE TO REQUEST NO. 266:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 266.

REQUEST NO. 267:

TCCC is aware of past use in the United States of the mark HOLISTICS ZERO in connection with beverage products distributed by Adina For Life, Inc.

RESPONSE TO REQUEST NO. 267:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 267.

REQUEST NO. 268:

TCCC has taken no steps to stop use in the United States of the mark HOLISTICS ZERO in connection with beverage products.

RESPONSE TO REQUEST NO. 268:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 268.

REQUEST NO. 269:

TCCC has never filed a lawsuit alleging that use of the mark HOLISTICS ZERO constitutes trademark infringement.

RESPONSE TO REQUEST NO. 269:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 269.

REQUEST NO. 270:

TCCC is aware of current use in the United States of the mark ALL SPORT ZERO in connection with beverage products distributed by All Sport, Inc.

RESPONSE TO REQUEST NO. 270:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 270.

REQUEST NO. 271:

TCCC is aware of past use in the United States of the mark ALL SPORT ZERO in connection with beverage products distributed by All Sport, Inc.

RESPONSE TO REQUEST NO. 271:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 271.

REQUEST NO. 272:

TCCC has taken no steps to stop use in the United States of the mark ALL SPORT ZERO in connection with beverage products.

RESPONSE TO REQUEST NO. 272:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 272.

REQUEST NO. 273:

TCCC has never filed a lawsuit alleging that use of the mark ALL SPORT ZERO constitutes trademark infringement.

RESPONSE TO REQUEST NO. 273:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 273.

REQUEST NO. 274:

TCCC is aware of current use in the United States of the mark ALL SPORT NATURALLY ZERO in connection with beverage products distributed by All Sport, Inc.

RESPONSE TO REQUEST NO. 274:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 274.

REQUEST NO. 275:

TCCC is aware of past use in the United States of the mark ALL SPORT NATURALLY ZERO in connection with beverage products distributed by All Sport, Inc.

RESPONSE TO REQUEST NO. 275:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 275.

REQUEST NO. 276:

TCCC has taken no steps to stop use in the United States of the mark ALL SPORT NATURALLY ZERO in connection with beverage products.

RESPONSE TO REQUEST NO. 276:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 276.

REQUEST NO. 277:

TCCC has never filed a lawsuit alleging that use of the mark ALL SPORT NATURALLY ZERO constitutes trademark infringement.

RESPONSE TO REQUEST NO. 277:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 277.

REQUEST NO. 278:

TCCC is aware of current use in the United States of the mark JONES WHOOPASS ZERO in connection with beverage products distributed by Jones Soda Co. (USA) Inc.

RESPONSE TO REQUEST NO. 278:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 278.

REQUEST NO. 279:

TCCC is aware of past use in the United States of the mark JONES WHOOPASS ZERO in connection with beverage products distributed by Jones Soda Co. (USA) Inc.

RESPONSE TO REQUEST NO. 279:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 279.

REQUEST NO. 280:

TCCC has taken no steps to stop use in the United States of the mark JONES WHOOPASS ZERO in connection with beverage products.

RESPONSE TO REQUEST NO. 280:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 280.

REQUEST NO. 281:

TCCC has never filed a lawsuit alleging that use of the mark JONES WHOOPASS ZERO constitutes trademark infringement.

RESPONSE TO REQUEST NO. 281:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 281.

REQUEST NO. 282:

TCCC is aware of current use in the United States of the mark CLEARLY ZERO in connection with beverage products distributed by Sam Radfar d/b/a Global Water Co.

RESPONSE TO REQUEST NO. 282:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 282.

REQUEST NO. 283:

TCCC is aware of past use in the United States of the mark CLEARLY ZERO in connection with beverage products distributed by Sam Radfar d/b/a Global Water Co.

RESPONSE TO REQUEST NO. 283:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 283.

REQUEST NO. 284:

TCCC has taken no steps to stop use in the United States of the mark CLEARLY ZERO in connection with beverage products.

RESPONSE TO REQUEST NO. 284:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 284.

REQUEST NO. 285:

TCCC has never filed a lawsuit alleging that use of the mark CLEARLY ZERO constitutes trademark infringement.

RESPONSE TO REQUEST NO. 285:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 285.

REQUEST NO. 286:

TCCC has never filed a lawsuit alleging that use of the mark ZERO constitutes trademark infringement.

RESPONSE TO REQUEST NO. 286:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 286.

REQUEST NO. 287:

TCCC has never filed a lawsuit alleging that use of the mark ZERO IS GOOD constitutes trademark infringement.

RESPONSE TO REQUEST NO. 287:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 287.

REQUEST NO. 288:

TCCC has never filed a lawsuit alleging that use of the mark RIVER ZERO constitutes trademark infringement.

RESPONSE TO REQUEST NO. 288:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 288.

REQUEST NO. 289:

TCCC has never filed a lawsuit alleging that use of the mark POMBERRY ZERO constitutes trademark infringement.

RESPONSE TO REQUEST NO. 289:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 289.

REQUEST NO. 290:

TCCC has never filed a lawsuit alleging that use of the mark IMPULSE ZERO constitutes trademark infringement.

RESPONSE TO REQUEST NO. 290:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 290.

REQUEST NO. 291:

TCCC was aware of the ABA Advertising Campaign prior to May 2012.

RESPONSE TO REQUEST NO. 291:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 291.

REQUEST NO. 292:

TCCC reviewed the ABA Advertising Campaign.

RESPONSE TO REQUEST NO. 292:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 292.

REQUEST NO. 293:

TCCC did not object to the ABA Advertising Campaign.

RESPONSE TO REQUEST NO. 293:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 293.

REQUEST NO. 294:

TCCC approved the ABA Advertising Campaign.

RESPONSE TO REQUEST NO. 294:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 294.

REQUEST NO. 295:

The bottle design depicting the word "Zero" in the ABA Advertising Campaign is not proprietary to TCCC.

RESPONSE TO REQUEST NO. 295:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 295.

REQUEST NO. 296:

The word "Zero" used on the bottle design in the ABA Advertising Campaign is intended to refer to no-calorie beverages.

RESPONSE TO REQUEST NO. 296:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 296.

REQUEST NO. 297:

The word "Zero" used on the bottle design in the ABA Advertising Campaign is intended to refer to beverages that have zero calories.

RESPONSE TO REQUEST NO. 297:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 297.

REQUEST NO. 298:

TCCC is not aware of any objection to the ABA Advertising Campaign by any company that distributes a beverage product that incorporates the term ZERO in its name.

RESPONSE TO REQUEST NO. 298:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 298.

REQUEST NO. 299:

Beverage products offered under the name VITAMINWATER10 have 10 calories per serving.

RESPONSE TO REQUEST NO. 299:

TCCC incorporates herein by reference paragraphs 1 and 2 of its General Objections, as stated above, as its response to Request No. 299.

This 12th day of October, 2012.

KING & SPALDING LLP

Bruce W. Baber
Emily B. Brown

1180 Peachtree Street
Atlanta, Georgia 30309
Telephone: 404-572-4600
Facsimile: 404-572-5134

Attorneys for Applicant and Opposer
THE COCA-COLA COMPANY

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing Responses Of The Coca-Cola Company To Royal Crown's Third Set Of Requests For Admission in the above-captioned matter upon Royal Crown Company, Inc., by causing a true and correct copy thereof to be deposited in the United States Mail, postage prepaid, addressed to counsel of record for Royal Crown Company, Inc. as follows:

Ms. Barbara A. Solomon
Ms. Laura Popp-Rosenberg
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, New York 10017

This 12th day of October, 2012.

Bruce W. Baber

EXHIBIT 19

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

ROYAL CROWN COMPANY, INC.,	:	
Opposer,	:	Consolidated Proceedings: Opposition No. 91178927 Opposition No. 91180771 Opposition No. 91180772
- against -	:	
THE COCA-COLA COMPANY,	:	
Applicant.	:	

OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT

Pursuant to 37 C.F.R. § 2.120 and Rules 26 and 33 of the Federal Rules of Civil Procedure, Opposer Royal Crown Company, Inc. hereby requests that Applicant The Coca-Cola Company answer the following interrogatories by serving written responses thereto at the offices of Royal Crown Company, Inc.'s attorneys, Fross Zelnick Lehrman & Zissu, P.C., 866 United Nations Plaza, New York, New York 10017, Attention: Laura Popp-Rosenberg, within the time specified by the Trademark Rules of Practice and the Federal Rules of Civil Procedure.

DEFINITIONS

A. The Definitions set forth in Opposer's First Set of Requests for the Production of Documents and Things to Applicant are incorporated as if fully set forth herein.

C. "Concerning" means reflecting, relating to, referring to, comprising, describing, evidencing or constituting.

B. "Set Forth the Basis" with respect to a denial of Request for Admission or a claim means to state all facts, evidence and legal bases on which Applicant to support such denial or claim and to identify all Documents Concerning such claim or denial (including both those supporting and those tending to negate the denial or claim).

INSTRUCTIONS

1. Applicant must answer each interrogatory and each part thereof separately and fully to the extent no objection is made.

2. Should Applicant claim that any particular interrogatory is beyond the scope of permissible discovery, Applicant should specify in detail each and every ground on which such claim rests. Applicant is reminded that objections based on confidentiality are not proper. *See* 35 C.F.R. § 2.116(g). Any objection to any interrogatory for which a basis has not been specifically stated within the time provided by the Federal Rules of Civil Procedure shall be waived.

3. Should Applicant find any interrogatory or any term used in an interrogatory to be vague, ambiguous, subject to varying interpretations or unclear, Applicant should identify the matter deemed to be ambiguous, vague, subject to interpretation or unclear, state its understanding of the disputed matter, and respond to the best of its ability in accordance with that understanding.

4. Should Applicant be unable to answer any interrogatory in full, Applicant should answer the interrogatory to the fullest extent possible, specify the reasons for the inability to answer the remainder, and state whatever information Applicant has concerning the unanswered portion.

5. If a claim of privilege is asserted in objecting to any interrogatory or any aspect or portion thereof, and, on the basis of such assertion, a full answer is not or will not be provided, Applicant should offer a statement signed by an attorney representing Applicant setting forth as to each such interrogatory or aspect or portion thereof the nature of the privilege (including work

product) being claimed. Applicant should answer each interrogatory and each part thereof not requesting privileged information.

6. For the convenience of the Board and the parties, Applicant should quote each interrogatory in full immediately preceding the response.

7. These interrogatories shall be deemed continuing. Should Applicant at any time after preparing and furnishing the requested information ascertain or acquire additional responsive information, Applicant should produce such supplemental information to Opposer within thirty (30) days but in no event later than the day before the trial period opens.

INTERROGATORIES

Interrogatory No. 1

Set Forth the Basis for Applicant's denial of Request for Admission No. 4.

Interrogatory No. 2

Set Forth the Basis for Applicant's denial of Request for Admission No. 5.

Interrogatory No. 3

Set Forth the Basis for Applicant's denial of Request for Admission No. 6.

Interrogatory No. 4

Set Forth the Basis for Applicant's denial of Request for Admission No. 34.

Interrogatory No. 5

Set Forth the Basis for Applicant's claim that consumers recognize ZERO as a source-identifying term.

Dated: New York, New York
April 7, 2008

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: _____
Barbara A. Solomon
Laura Popp-Rosenberg
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

Attorneys for Opposer Royal Crown Company, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of **Opposer's First Set of Interrogatories** to be deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to counsel for Applicant, Bruce Baber, Esq., King & Spalding LLP, 1185 Avenue of the Americas, New York, NY 10036-4003, this 7th day of April, 2008.

Laura Popp-Rosenberg

EXHIBIT 20

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

ROYAL CROWN COMPANY, INC.,	)	
	)	
Opposer,	)	Consolidated Proceedings:
	)	
v.	)	OPPOSITION NO. 91178927
	)	OPPOSITION NO. 91180771
THE COCA-COLA COMPANY,	)	OPPOSITION NO. 91180772
	)	
Applicant.	)	

APPLICANT'S RESPONSES TO
OPPOSER'S FIRST SET OF INTERROGATORIES

Applicant The Coca-Cola Company ("TCCC"), by and through its undersigned counsel, and in accordance with Rules 26 and 33 of the Federal Rules of Civil Procedure and Rules 2.116 and 2.120 of the Trademark Rules of Practice, hereby responds as follows to "Opposer's First Set Of Interrogatories To Applicant" ("Opposer's First Interrogatories") served by Opposer Royal Crown Company, Inc. ("Opposer") on April 7, 2008.

GENERAL OBJECTIONS

1.

TCCC objects to Opposer's First Interrogatories, and the "Definitions" and "Instructions" contained therein, including without limitation the purported definitions and instructions relating to privilege, documents, and the scope of knowledge or information in the possession of TCCC, on the grounds that such purported definitions and instructions are overbroad, seek redundant and irrelevant information that is neither relevant to the issues in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence, seek to impose on TCCC obligations greater than or different from those imposed under the Federal Rules of Civil Procedure and the Trademark Rules of Practice, and seek documents and information subject to the attorney-client privilege, subject to the work product doctrine, or otherwise protected from discovery. In responding to Opposer's First Interrogatories, TCCC shall respond in accordance with the applicable provisions of the Federal Rules of Civil Procedure and the Trademark Rules of Practice.

2.

TCCC objects to Opposer's First Interrogatories to the extent that they are duplicative or cumulative of each other. When discovery requests are duplicative

or cumulative, TCCC will respond to the first such discovery request, and incorporate that response in its responses to the later discovery requests.

3.

TCCC objects to Opposer's First Interrogatories to the extent that they seek information not within TCCC's possession, custody, or control, or that is as easily available to Opposer as to TCCC.

4.

TCCC objects to Opposer's definition of "Applicant" to the extent that it purports to include attorneys and other persons not employed by TCCC. In responding to Opposer's First Interrogatories, TCCC will respond on behalf of The Coca-Cola Company, the Applicant in these proceedings.

5.

TCCC objects to each of Opposer's First Interrogatories to the extent that they seek "all" information. TCCC has conducted a reasonable investigation and search with respect to information responsive to Opposer's First Interrogatories. To the extent Opposer's First Interrogatories seek to impose a greater burden on TCCC, they are unduly burdensome, overbroad, and not reasonably calculated to lead to the discovery of admissible evidence. TCCC's investigation of this matter

is continuing, and TCCC reserves the right to supplement these responses as it deems necessary.

6.

TCCC objects to each of Opposer's First Interrogatories to the extent that the interrogatory seeks information that is confidential or proprietary to TCCC. TCCC reserves the right to withhold otherwise responsive, discoverable, non-objectionable and non-privileged information until after entry of an appropriate protective order.

RESPONSES AND OBJECTIONS TO INTERROGATORIES

Subject to and without waiving any of the foregoing General Objections, TCCC responds as follows to Opposer's separately-numbered interrogatories:

INTERROGATORY NO. 1:

Set Forth the Basis for Applicant's denial of Request for Admission No. 4.

RESPONSE TO INTERROGATORY NO. 1:

TCCC objects to Interrogatory No. 1 on the grounds that the interrogatory is overbroad, unduly burdensome and calls for a legal conclusion or analysis. TCCC further objects to Interrogatory No. 1 on the grounds that it seeks information that is confidential and proprietary to TCCC as well as information that is subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 1 that TCCC's denial of Request for Admission No. 4 is based on the fact that ZERO, as used in TCCC's COCA-COLA ZERO mark, is suggestive because it has a sufficient degree of ambiguity such that it is not merely descriptive of an ingredient, characteristic, feature or purpose of TCCC's goods. TCCC further states in response to Interrogatory No. 1 that the word ZERO as used in TCCC's COCA-COLA ZERO mark does not convey anything specific about TCCC's goods without additional information, investigation, or further thought because the word ZERO as used in the mark COCA-COLA ZERO has no specific fixed and discernable meaning that would be readily apparent to a consumer.

INTERROGATORY NO. 2:

Set Forth the Basis for Applicant's denial of Request for Admission No. 5.

RESPONSE TO INTERROGATORY NO. 2:

TCCC objects to Interrogatory No. 2 on the grounds that the interrogatory is overbroad, unduly burdensome and calls for a legal conclusion or analysis. TCCC further objects to Interrogatory No. 2 on the grounds that it seeks information that is confidential and proprietary to TCCC as well as information that is subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 2 that TCCC's denial of Request for Admission No. 5 is based on the fact that ZERO, as used in TCCC's COKE ZERO mark, is suggestive because it has a sufficient degree of ambiguity such that it is not merely descriptive of an ingredient, characteristic, feature or purpose of TCCC's goods. TCCC further states in response to Interrogatory No. 2 that the word ZERO as used in TCCC's COKE ZERO mark does not convey anything specific about TCCC's goods without additional information, investigation, or further thought because the word ZERO as used in the mark COKE ZERO has no specific fixed and discernable meaning that would be readily apparent to a consumer.

INTERROGATORY NO. 3:

Set Forth the Basis for Applicant's denial of Request for Admission No. 6.

RESPONSE TO INTERROGATORY NO. 3:

TCCC objects to Interrogatory No. 3 on the grounds that the interrogatory is overbroad, unduly burdensome and calls for a legal conclusion or analysis. TCCC further objects to Interrogatory No. 3 on the grounds that it seeks information that is confidential and proprietary to TCCC as well as information that is subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 3 that TCCC's denial of Request for Admission No. 6 is based on the fact that ZERO, as used in TCCC's SPRITE ZERO mark, is suggestive because it has a sufficient degree of ambiguity such that it is not merely descriptive of an ingredient, characteristic, feature or purpose of TCCC's goods. TCCC further states in response to Interrogatory No. 3 that the word ZERO as used in TCCC's SPRITE ZERO mark does not convey anything specific about TCCC's goods without additional information, investigation, or further thought because the word ZERO as used in the mark SPRITE ZERO has no specific fixed and discernable meaning that would be readily apparent to a consumer.

INTERROGATORY NO. 4:

Set Forth the Basis for Applicant's denial of Request for Admission No. 34.

RESPONSE TO INTERROGATORY NO. 4:

TCCC objects to Interrogatory No. 4 on the grounds that the interrogatory is overbroad and unduly burdensome. TCCC further objects to Interrogatory No. 4 on the grounds that it seeks information that is confidential and proprietary to TCCC as well as information that is subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 4 that TCCC's denial of Request for Admission No. 34 is based in part on the fact that the request is vague, ambiguous, and the meaning of certain phrases in the request is unclear within the context of the request. TCCC further states that in response to Interrogatory No. 4 that the evidence submitted to the U.S. Patent and Trademark Office and similar evidence regarding the advertising and sales of TCCC's products in connection with which TCCC uses TCCC's COCA-COLA ZERO, COKE ZERO, SPRITE ZERO and other marks that include ZERO and regarding the media articles regarding such products support TCCC's denial of Request for Admission No. 34.

INTERROGATORY NO. 5:

Set Forth the Basis for Applicant's claim that consumers recognize ZERO as a source-identifying term.

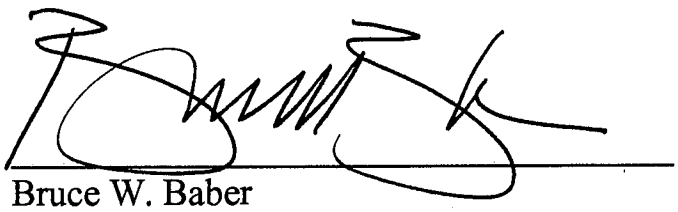
RESPONSE TO INTERROGATORY NO. 5:

TCCC objects to Interrogatory No. 5 on the grounds that the interrogatory is overbroad and unduly burdensome. TCCC further objects to Interrogatory No. 5 on the grounds that it seeks information that is confidential and proprietary to TCCC as well as information that is subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 5 that TCCC has engaged in extended and extensive commercial activities that have resulted in the recognition by consumers and the industry of the term ZERO as a source-identifying term for TCCC's products. TCCC further states that TCCC has made continuous use of its ZERO marks and that ZERO is an element of a number of different trademarks owned and used by TCCC, which reinforces the source-identifying function of ZERO as an element of TCCC's marks. As a result of this continuous use, extensive promotional and advertising activities by TCCC, and unsolicited media coverage, the purchasing public has come to view ZERO, when used as an element of a beverage product name, as an indicator of origin identifying TCCC.

This 14th day of May, 2008.

KING & SPALDING LLP



Bruce W. Baber
Emily Bienko Brown

1180 Peachtree Street
Atlanta, Georgia 30309
(404) 572-4600

Attorneys for Applicant
THE COCA-COLA COMPANY

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing Applicant's Responses To Opposer's First Set Of Interrogatories To Applicant in the above-captioned matter upon Opposer, by causing a true and correct copy thereof to be deposited in the United States Mail, postage prepaid, addressed to Opposer's counsel of record as follows:

Ms. Laura Popp-Rosenberg
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, New York 10017

This 14th day of May, 2008.

Bruce W. Baber

EXHIBIT 21

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

ROYAL CROWN COMPANY, INC.,	
Opposer,	Consolidated Proceedings:
- against -	Opposition No. 91178927
	Opposition No. 91180771
THE COCA-COLA COMPANY,	Opposition No. 91180772
Applicant.	Opposition No. 91183482
	Opposition No. 91185755
	Opposition No. 91186579

--and--

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

ROYAL CROWN'S SECOND SET OF
INTERROGATORIES TO THE COCA-COLA COMPANY

Pursuant to 37 C.F.R. § 2.120 and Rules 26 and 33 of the Federal Rules of Civil Procedure, Royal Crown Company, Inc. hereby requests that The Coca-Cola Company answer the following interrogatories by serving written responses thereto at the offices of Royal Crown Company, Inc.'s attorneys, Fross Zelnick Lehrman & Zissu, P.C., 866 United Nations Plaza, New York, New York 10017, Attention: Laura Popp-Rosenberg, within the time specified by the Trademark Rules of Practice and the Federal Rules of Civil Procedure.

DEFINITIONS AND INSTRUCTIONS

1. Except as otherwise set forth below, the Definitions and Instructions set forth or incorporated by reference in Opposer's First Set of Interrogatories to Applicant are incorporated as if fully set forth herein.

2. "RC" means Royal Crown Company, Inc.

3. "RC's Marks" means the marks of RC at issue in Opposition No. 91184434.

4. "Set Forth the Basis" with respect to an allegation means to state all facts, evidence and legal bases supporting such allegation and to identify all Documents Concerning such allegation (including both those supporting and those tending to negate the allegation).

5. "TCCC" means The Coca-Cola Company and any company controlled by or affiliated with it; any division, parent, subsidiary, licensee, franchisee, successor, predecessor-in-interest, assign or other related business entity; and every officer, employee, agent, attorney or other person acting or purporting to act on its behalf or through whom it acts or has acted, and the predecessors or successors of any of them.

6. "TCCC's Marks" means the marks of TCCC at issue in Oppositions Nos. 91178927, 91180771, 91180772, 91183482, 91185755, and 91186579, and any other marks of TCCC including the term "zero" on which TCCC will rely in connection with these consolidated proceedings.

INTERROGATORIES

Interrogatory No. 6

Describe in detail the development and selection of each of TCCC's Marks, including TCCC's reason(s) for selecting each of TCCC's Marks; and any meaning or significance of each of TCCC's Marks.

Interrogatory No. 7

State when and Describe how TCCC first became aware of RC's Marks.

Interrogatory No. 8

Describe in detail all advertising, marketing and promotional campaigns or activities that have included more than one of TCCC's Marks, specifying for each the mark(s) involved in and the media, media outlet, time frame and geographic scope of each such campaign or activity.

Interrogatory No. 9

If TCCC is aware that any Person has been confused or deceived as a result of the use of either of RC's Marks as to the source, sponsorship, connection, affiliation, association or approval of products sold under the mark:

(a) Identify the Person that was confused or deceived and the circumstances of such confusion or deception, including but not limited to the date and location of such confusion or deception;

(b) Identify each natural person who has knowledge of such confusion or deception; and

(c) Identify all Communications and Documents Concerning such confusion or deception.

Interrogatory No. 10

Identify all third parties believed or known by TCCC to have used, applied to register and/or registered a mark comprised in whole or part of the word ZERO or the numeral 0, or a variation of either, in connection with any beverage products.

Interrogatory No. 11

For each third party identified in response to Interrogatory No. 10, Identify:

(a) the mark used by such third party;

(b) the actions, if any, TCCC has taken to stop use or prevent registration of the mark at issue;

(c) the status of all such actions; and

(d) whether the third-party mark is still in use.

Interrogatory No. 12

Identify all third parties who have objected to TCCC's use or registration of any of TCCC's Marks and the status of each such dispute.

Interrogatory No. 13

Identify all third-party marks consisting of or including the word ZERO or numeral 0, or a variation of either, the use or registration of which TCCC has expressly consented or permitted through a settlement agreement, coexistence agreement or otherwise.

Interrogatory No. 14

Identify all third-party marks consisting of or including the word ZERO or numeral 0, or a variation of either, known or believed by TCCC to be used or registered for beverage products to which TCCC does not object.

Interrogatory No. 15

Set Forth the Basis for the allegation in Paragraph 6 of the pleading entitled "Opposition" in Opposition No. 91184434 that "Applicant's Alleged PURE ZERO Marks, when used in connection with Applicant's Goods, so resemble Opposer's ZERO Marks as to be likely to cause

confusion, or to cause mistake, or to deceive with respect to the source or origin of Applicant's Goods, with respect to Opposer's sponsorship thereof or connection or affiliation therewith, and/or in other ways."

Interrogatory No. 16

Set Forth the Basis for the allegation in Paragraph 8 of the pleading entitled "Opposition" in Opposition No. 91184434 that "Applicant's Alleged PURE ZERO Marks falsely suggest a connection or affiliation with Opposer," including but not limited to the basis for any allegation that

(a) Either of RC's Marks is the same as or a close approximation of the name or identify previously used by TCCC; or

(b) Either of RC's Marks would be recognized as pointing uniquely and unmistakably to TCCC.

Dated: New York, New York
February 18, 2009

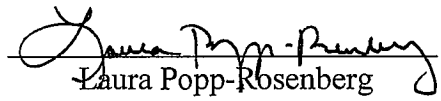
FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: _____
Barbara A. Solomon
Laura Popp-Rosenberg
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

Attorneys for Royal Crown Company, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of **Royal Crown's Second Set of Interrogatories to The Coca-Cola Company** to be deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to counsel for TCCC, Bruce Baber, Esq., King & Spalding LLP, 1185 Avenue of the Americas, New York, NY 10036-4003, this 18th day of February, 2009.



Laura Popp-Rosenberg

EXHIBIT 22

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ROYAL CROWN COMPANY, INC.,	)	
	)	Consolidated Proceedings:
Opposer,	)	
	)	OPPOSITION NO. 91178927
v.	)	OPPOSITION NO. 91180771
	)	OPPOSITION NO. 91180772
THE COCA-COLA COMPANY,	)	OPPOSITION NO. 91183482
	)	OPPOSITION NO. 91185755
Applicant.	)	OPPOSITION NO. 91186579

-- and --

THE COCA-COLA COMPANY,	)	
	)	
Opposer,	)	
	)	
v.	)	OPPOSITION NO. 91184434
	)	
ROYAL CROWN COMPANY, INC.,	)	
	)	
Applicant.	)	

RESPONSES OF THE COCA-COLA COMPANY TO
ROYAL CROWN'S SECOND SET OF INTERROGATORIES

The Coca-Cola Company ("TCCC"), by and through its undersigned counsel and in accordance with Rules 26 and 33 of the Federal Rules of Civil Procedure and Rules 2.116 and 2.120 of the Trademark Rules of Practice, hereby responds as follows to "Royal Crown's Second Set Of Interrogatories To The Coca-Cola Company" ("RC's Second Interrogatories"), served by Royal Crown Company, Inc. ("RC") on February 18, 2009.

GENERAL OBJECTIONS

1.

TCCC objects to RC's Second Interrogatories, and the "Definitions and Instructions" contained therein as well as those incorporated by reference therein, as set forth in Royal Crown's First Set of Interrogatories, including without limitation the purported definitions and instructions relating to privilege, documents, and the scope of knowledge or information in the possession of TCCC, on the grounds that such purported definitions and instructions are overbroad, seek redundant and irrelevant information that is neither relevant to the issues in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence, seek to impose on TCCC obligations greater than or different from those imposed under the Federal Rules of Civil Procedure and the Trademark Rules of Practice, and seek documents and information subject to the attorney-client privilege, subject to the work product doctrine, or otherwise protected from discovery. In responding to RC's Second Interrogatories, TCCC shall respond in accordance with the applicable provisions of the Federal Rules of Civil Procedure and the Trademark Rules of Practice.

2.

TCCC objects to RC's Second Interrogatories to the extent that they are duplicative or cumulative of each other or of prior discovery requests served by RC. When discovery requests are duplicative or cumulative, TCCC will respond to the first such discovery request, and incorporate that response in its responses to the later discovery requests.

3.

TCCC objects to RC's Second Interrogatories to the extent that they seek information not within TCCC's possession, custody, or control, or that is as easily available to RC as to TCCC.

4.

TCCC objects to RC's definition of "TCCC" to the extent that it purports to include attorneys and other persons not employed by TCCC. In responding to RC's Second Interrogatories, TCCC will respond on behalf of The Coca-Cola Company.

5.

TCCC objects to each of RC's Second Interrogatories to the extent that they seek "all" information. TCCC has conducted a reasonable investigation and search with respect to information responsive to RC's Second Interrogatories. To the extent RC's Second Interrogatories seek to impose a greater burden on TCCC, they are unduly burdensome, overbroad, and not reasonably calculated to lead to the discovery of admissible evidence. TCCC's investigation of this matter is continuing, and TCCC reserves the right to supplement these responses as it deems necessary.

6.

TCCC objects to each of RC's Second Interrogatories to the extent that the interrogatory seeks information that is confidential or proprietary to TCCC.

OBJECTIONS AND RESPONSES TO INTERROGATORIES

Subject to and without waiving any of the foregoing general objections, TCCC responds as follows to RC's separately-numbered interrogatories:

INTERROGATORY NO. 6:

Describe in detail the development and selection of each of TCCC's Marks, including TCCC's reason(s) for selecting each of TCCC's Marks; and any meaning or significance of each of TCCC's Marks.

RESPONSE TO INTERROGATORY NO. 6:

TCCC objects to Interrogatory No. 6 on the grounds that the interrogatory is overbroad, unduly burdensome, vague, ambiguous and, in part, unintelligible. TCCC further objects to Interrogatory No. 6 on the grounds that it seeks information that is confidential and proprietary to TCCC. TCCC also objects to Interrogatory No. 6 on the grounds that the interrogatory seeks, in part, information that is subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 6 that TCCC first selected "ZERO" for use as a part of a mark in the United States in connection with the mark DIET SPRITE ZERO, and did so because "ZERO" was suggestive of several tangible and intangible attributes of the DIET SPRITE ZERO product. TCCC further states in response to Interrogatory No. 6 that TCCC subsequently decided to utilize "ZERO" as part of the marks COCA-COLA ZERO, COKE ZERO, FANTA ZERO, PIBB ZERO, VAULT ZERO, POWERADE ZERO, CHERRY COKE ZERO and VANILLA COKE ZERO in the United States for many reasons, including because of the success of its DIET SPRITE ZERO and SPRITE ZERO products and the subsequent success of its COCA-COLA ZERO / COKE ZERO products, because "ZERO" was also suggestive of tangible and intangible attributes of such additional products, and because "ZERO" when used as a part of a beverage product name had become associated with TCCC.

TCCC further states in response to Interrogatory No. 6 that the "significance" of "ZERO" with respect to each of the TCCC products identified above varies from product to product, depending on the specific attributes of the specific products.

INTERROGATORY NO. 7:

State when and Describe how TCCC first became aware of RC's Marks.

RESPONSE TO INTERROGATORY NO. 7:

TCCC objects to Interrogatory No. 7 on the grounds that the interrogatory is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Interrogatory No.7 on the grounds that the interrogatory seeks information that is confidential and proprietary to TCCC as well as information that is subject to the attorney-client and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 7 that, to the best of TCCC's knowledge, TCCC first became aware of RC's alleged marks DIET RITE PURE ZERO and/or PURE ZERO ("RC's Alleged Marks") during the first half of 2005 through activities on the part of TCCC's counsel.

INTERROGATORY NO. 8:

Describe in detail all advertising, marketing and promotional campaigns or activities that have included more than one of TCCC's Marks, specifying for each the mark(s) involved in and the media, media outlet, time frame and geographic scope of each such campaign or activity.

RESPONSE TO INTERROGATORY NO. 8:

TCCC objects to Interrogatory No. 8 on the grounds that the interrogatory is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to

Interrogatory No. 8 on the grounds that the interrogatory seeks information that is confidential and proprietary to TCCC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 8 that TCCC will produce documents sufficient to show advertisements that have been used and marketing and promotional activities that have been conducted in the United States that have included more than one of TCCC's ZERO Marks, to the extent such materials are in the possession of TCCC.

INTERROGATORY NO. 9:

If TCCC is aware that any Person has been confused or deceived as a result of the use of either of RC's Marks as to the source, sponsorship, connection, affiliation, association or approval of products sold under the mark:

(a) Identify the Person that was confused or deceived and the circumstances of such confusion or deception, including but not limited to the date and location of such confusion or deception;

(b) Identify each natural person who has knowledge of such confusion or deception; and

(c) Identify all Communications and Documents Concerning such confusion or deception.

RESPONSE TO INTERROGATORY NO. 9:

TCCC objects to Interrogatory No. 9 on the grounds that the interrogatory is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Interrogatory No. 9 on the grounds that the interrogatory seeks information and documents that contain information that are confidential and proprietary to TCCC. TCCC also objects to Interrogatory No. 9 on the grounds that the interrogatory seeks, in part, information and documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 9 that TCCC is not aware, as of the date of these responses, of the names or identities of any specific individuals who have been "confused or deceived" as a result of RC's use of RC's Alleged Marks. TCCC further states in response to Interrogatory No. 9 that TCCC's investigation is continuing regarding any instances of confusion as to the source, sponsorship, connection, affiliation, association or approval of products in connection with which RC's Alleged Marks have been used, and TCCC reserves the right to supplement this response based on the results of TCCC's continuing investigation.

INTERROGATORY NO. 10:

Identify all third parties believed or known by TCCC to have used, applied to register and/or registered a mark comprised in whole or part of the word ZERO or the numeral 0, or a variation of either, in connection with any beverage products.

RESPONSE TO INTERROGATORY NO. 10:

TCCC objects to Interrogatory No. 10 on the grounds that the interrogatory is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Interrogatory No. 10 on the grounds that the interrogatory seeks information that is as easily available to RC as to TCCC, and on the grounds that the interrogatory is duplicative, in part, of discovery requests previously served by RC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 10 that TCCC has produced to RC documents that may reflect certain uses, applications for registration and/or registrations of names that include ZERO or the numeral "0" in the United States.

TCCC further states in response to Interrogatory No. 10 that TCCC will consider responding further to a narrower interrogatory that is reasonable in scope and specifies a relevant time frame and a relevant geographic scope.

INTERROGATORY NO. 11:

For each third party identified in response to Interrogatory No. 10, Identify:
(a) the mark used by such third party;
(b) the actions, if any, TCCC has taken to stop use or prevent registration of the mark at issue;
(c) the status of all such actions; and
(d) whether the third-party mark is still in use.

RESPONSE TO INTERROGATORY NO. 11:

TCCC objects to Interrogatory No. 11 on the grounds that the interrogatory is unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Interrogatory No. 11 on the grounds that the interrogatory seeks information, in part, that is confidential and proprietary to TCCC. TCCC also objects to Interrogatory No. 11 on the grounds that the interrogatory seeks, in part, information that is as easily available to RC as to TCCC, and on the grounds that the interrogatory is duplicative, in part, of discovery requests previously served by RC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 11 that TCCC did not identify any third parties in response to Interrogatory No. 10. TCCC further states in response to Interrogatory No. 11 that TCCC reserves the right to supplement this response if it later supplements its response to Interrogatory No. 10.

INTERROGATORY NO. 12:

Identify all third parties who have objected to TCCC's use or registration of any of TCCC's Marks and the status of each such dispute.

RESPONSE TO INTERROGATORY NO. 12:

TCCC objects to Interrogatory No. 12 on the grounds that the interrogatory is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Interrogatory No. 12 on the grounds that the interrogatory seeks, in part, information that is as easily available to RC as to TCCC. TCCC also objects to Interrogatory No. 12 on the grounds that the phrase "objected to" is vague and ambiguous.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 12 that, in addition to RC, the following third parties have formally objected to the use and/or registration of one or more of TCCC's ZERO Marks before the Trademark Trial and Appeal Board or in a formal legal proceeding in the United States: Matt Ehrlich, Shlomo Fried and/or Mayim Tovim; Companhia de Bebidas das Americas – AMBEV; Mirza N. Baig and Bluesprings Water Co.; and High Voltage Beverages, LLC. The proceeding involving Mayim Tovim was dismissed with prejudice in favor of TCCC; the proceedings involving AMBEV are currently pending; one proceeding involving Baig and Bluesprings has been resolved through entry of a judgment in favor of TCCC and a second proceeding is currently pending; and the proceedings involving High Voltage Beverages, LLC are currently pending.

INTERROGATORY NO. 13:

Identify all third-party marks consisting of or including the word ZERO or numeral 0, or a variation of either, the use or registration of which TCCC has expressly consented or permitted through a settlement agreement, coexistence agreement or otherwise.

RESPONSE TO INTERROGATORY NO. 13:

TCCC objects to Interrogatory No. 13 on the grounds that the interrogatory is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Interrogatory No. 13 on the grounds that the interrogatory seeks information that is confidential and proprietary to TCCC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 13 that TCCC is not aware of any third party mark that consists of or includes the word ZERO or the numeral "0," whether alone or in combination with other words, numbers or numerals, to the use or registration of which TCCC has expressly consented through a settlement agreement or coexistence agreement.

INTERROGATORY NO. 14:

Identify all third-party marks consisting of or including the word ZERO or numeral 0, or a variation of either, known or believed by TCCC to be used or registered for beverage products to which TCCC does not object.

RESPONSE TO INTERROGATORY NO. 14:

TCCC objects to Interrogatory No. 14 on the grounds that the interrogatory is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 14 that, as Interrogatory No. 14 is understood by TCCC, there are numerous marks for beverage products that may have been used or registered in the United States by third parties that include the word ZERO or the numeral "0" to which TCCC may not object, depending on many variables, including the specifics of the mark, how it is used, the products on which it is used, the scope of the use, the manner in which the word ZERO or the numeral "0" is used, and other relevant factors. TCCC further states in response to Interrogatory No. 14 that without conducting a thorough investigation of each such mark and its use, it is not possible for TCCC to identify such marks to which it would not object.

INTERROGATORY NO. 15:

Set Forth the Basis for the allegation in Paragraph 6 of the pleading entitled "Opposition" in Opposition No. 91184434 that "Applicant's Alleged PURE ZERO Marks, when used in connection with Applicant's Goods, so resemble Opposer's ZERO Marks as to be likely to cause confusion, or to cause mistake, or to deceive with respect to the source or origin of Applicant's Goods, with respect to Opposer's sponsorship thereof or connection or affiliation therewith, and/or in other ways."

RESPONSE TO INTERROGATORY NO. 15:

TCCC objects to Interrogatory No. 15 on the grounds that it is premature and improper, as a party need not, in advance of trial, specify in detail the evidence it intends to present. See TBMP § 414(7). TCCC further objects to Interrogatory No. 15 on the grounds that it is beyond the scope of discovery, and seeks to impose on TCCC discovery obligations greater than or different from those imposed under the Federal Rules of Civil Procedure, Trademark Rules of Practice, or TBMP. TCCC also objects to Interrogatory No. 15 on the grounds that the interrogatory is vague, ambiguous and not

reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Interrogatory No. 15 on the grounds that the interrogatory seeks, in part, information protected from discovery by the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 15 that virtually every recognized likelihood of confusion factor indicates that there is a high likelihood of confusion between TCCC's ZERO Marks for soft drinks, energy drinks and sports drinks and the marks PURE ZERO for "soft drinks, and syrups and concentrates used in the preparation thereof" and DIET RITE PURE ZERO for "soft drinks and syrups used in the preparation thereof." The marks are extremely similar; the goods are virtually identical; TCCC's ZERO Marks are extremely well-known; ZERO has become recognized by consumers as an indicator that TCCC is the source of beverage products having ZERO in their name; the products are presumed to be offered throughout the same channels of trade, to be offered to the same types of customers and to be advertised and promoted using the same media; and RC had knowledge of TCCC's use of TCCC's ZERO Marks at the time it adopted RC's Marks and adopted RC's Marks in bad faith in an attempt to trade on the established goodwill of TCCC in TCCC's ZERO Marks.

INTERROGATORY NO. 16:

Set Forth the Basis for the allegation in Paragraph 8 of the pleading entitled "Opposition" in Opposition No. 91184434 that "Applicant's Alleged PURE ZERO Marks falsely suggest a connection or affiliation with Opposer," including but not limited to the basis for any allegation that

(a) Either of RC's Marks is the same as or a close approximation of the name or identify [sic] previously used by TCCC; or

(b) Either of RC's Marks would be recognized as pointing uniquely and unmistakably to TCCC.

RESPONSE TO INTERROGATORY NO. 16:

TCCC objects to Interrogatory No. 16 on the grounds that it is premature and improper, as a party need not, in advance of trial, specify in detail the evidence it intends to present. See TBMP § 414(7). TCCC further objects to Interrogatory No. 16 on the grounds that it is beyond the scope of discovery, and seeks to impose on TCCC discovery obligations greater than or different from those imposed under the Federal Rules of Civil Procedure, Trademark Rules of Practice, or TBMP. TCCC also objects to Interrogatory No. 16 on the grounds that the interrogatory is vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Interrogatory No. 16 on the grounds that the interrogatory seeks, in part, information protected from discovery by the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 16 that RC's use of RC's Marks for soft drinks, syrups and concentrates falsely suggests a connection or affiliation with TCCC for the same reasons that RC's use of RC's Marks is likely to cause confusion. TCCC incorporates by reference herein its response to Interrogatory No. 15 above.

This 25th day of March, 2009.

KING & SPALDING LLP

Bruce W. Baber
Emily B. Brown

1180 Peachtree Street
Atlanta, Georgia 30309
Telephone: 404-572-4600
Facsimile: 404-572-5134

Attorneys for Applicant and Opposer
THE COCA-COLA COMPANY

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing Responses Of The Coca-Cola Company To Royal Crown's Second Set Of Interrogatories in the above-captioned matter upon Royal Crown, by causing a true and correct copy thereof to be deposited in the United States Mail, postage prepaid, addressed to counsel of record for Royal Crown as follows:

Ms. Barbara A. Solomon
Ms. Laura Popp-Rosenberg
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, New York 10017

This 25th day of March, 2009.

Bruce W. Baber

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ROYAL CROWN COMPANY, INC.,	)	
	)	Consolidated Proceedings:
Opposer,	)	
	)	OPPOSITION NO. 91178927
v.	)	OPPOSITION NO. 91180771
	)	OPPOSITION NO. 91180772
THE COCA-COLA COMPANY,	)	OPPOSITION NO. 91183482
	)	OPPOSITION NO. 91185755
Applicant.	)	OPPOSITION NO. 91186579

-- and --

THE COCA-COLA COMPANY,	)	
	)	
Opposer,	)	
	)	
v.	)	OPPOSITION NO. 91184434
	)	
ROYAL CROWN COMPANY, INC.,	)	
	)	
Applicant.	)	

SUPPLEMENTAL RESPONSES OF THE COCA-COLA COMPANY
TO ROYAL CROWN'S SECOND SET OF INTERROGATORIES

The Coca-Cola Company ("TCCC"), by and through its undersigned counsel and in accordance with Rules 26 and 33 of the Federal Rules of Civil Procedure and Rules 2.116 and 2.120 of the Trademark Rules of Practice, hereby serves the following supplemental responses to "Royal Crown's Second Set Of Interrogatories To The Coca-Cola Company" ("RC's Second Interrogatories"), served by Royal Crown Company, Inc. ("RC") on February 18, 2009.

GENERAL OBJECTIONS

TCCC hereby incorporates by reference TCCC's General Objections to RC's Second Interrogatories, as stated in TCCC's "Responses Of The Coca-Cola Company To Royal Crown's Second Set Of Interrogatories," served on March 25, 2009.

OBJECTIONS AND RESPONSES TO INTERROGATORIES

Subject to and without waiving any of the foregoing general objections, TCCC responds as follows to RC's separately-numbered interrogatories:

INTERROGATORY NO. 6:

Describe in detail the development and selection of each of TCCC's Marks, including TCCC's reason(s) for selecting each of TCCC's Marks; and any meaning or significance of each of TCCC's Marks.

RESPONSE TO INTERROGATORY NO. 6:

TCCC objects to Interrogatory No. 6 on the grounds that the interrogatory is overbroad, unduly burdensome, vague, ambiguous and, in part, unintelligible. TCCC further objects to Interrogatory No. 6 on the grounds that it seeks information that is confidential and proprietary to TCCC. TCCC also objects to Interrogatory No. 6 on the grounds that the interrogatory seeks, in part, information that is subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 6 that TCCC first selected "ZERO" for use as a part of a mark in the United States in connection with the mark DIET SPRITE ZERO, and did so because "ZERO" was suggestive of several tangible and intangible attributes of the DIET SPRITE ZERO product. TCCC further states in

response to Interrogatory No. 6 that TCCC subsequently decided to utilize "ZERO" as part of the marks COCA-COLA ZERO, COKE ZERO, FANTA ZERO, PIBB ZERO, VAULT ZERO, POWERADE ZERO, CHERRY COKE ZERO and VANILLA COKE ZERO in the United States for many reasons, including because of the success of its DIET SPRITE ZERO and SPRITE ZERO products and the subsequent success of its COCA-COLA ZERO / COKE ZERO products, because "ZERO" was also suggestive of tangible and intangible attributes of such additional products, and because "ZERO" when used as a part of a beverage product name had become associated with TCCC. TCCC further states in response to Interrogatory No. 6 that the "significance" of "ZERO" with respect to each of the TCCC products identified above varies from product to product, depending on the specific attributes of the specific products.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 6:

In further response to Interrogatory No. 6, TCCC states that the attributes of TCCC's products of which ZERO is suggestive that vary from product to product include the amount of sugar, the amount of calories, the amount of carbohydrates, the amount of caffeine, the amount of sodium, the amount of phosphorus, and the amounts of various types of sweeteners. In the case of SPRITE ZERO, for example, an 8 ounce serving of the current product does not contain any caffeine, does not contain any sugar, does not contain any carbohydrates, does not contain any phosphorus, does not contain any saccharin, does not contain any sucralose, and contains 2.4 calories. In comparison, a serving of the current COCA-COLA ZERO product contains caffeine and phosphorus, does not contain any saccharin or sucralose, and contains .7 calories and .1 gram of carbohydrates; a serving of the current FANTA ZERO product does not

contain any phosphorus, any caffeine, any saccharin or any sucralose, contains 2.2 calories and .05 gram of carbohydrates, and contains sodium; a serving of the current FULL THROTTLE ZERO product contains no carbohydrates and no sugars, and contains 5 calories, sodium, saccharin, acesulfame potassium and sucralose; and a serving of the current POWERADE ZERO products contains either no carbohydrates or .1 gram of carbohydrates, contains no caffeine, contains between 1.9 and 3.0 calories, and contains sodium and sucralose.

With respect to each of TCCC's products that include ZERO in the name, the use of ZERO as part of the name for the product suggests that one or more ingredients that are present in the "parent" product are absent from the "ZERO" product and/or are present in the "ZERO" product in lower amounts or quantities than in the "parent" product.

INTERROGATORY NO. 9:

If TCCC is aware that any Person has been confused or deceived as a result of the use of either of RC's Marks as to the source, sponsorship, connection, affiliation, association or approval of products sold under the mark:

(a) Identify the Person that was confused or deceived and the circumstances of such confusion or deception, including but not limited to the date and location of such confusion or deception;

(b) Identify each natural person who has knowledge of such confusion or deception; and

(c) Identify all Communications and Documents Concerning such confusion or deception.

RESPONSE TO INTERROGATORY NO. 9:

TCCC objects to Interrogatory No. 9 on the grounds that the interrogatory is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Interrogatory No. 9 on the grounds that the interrogatory seeks information and

documents that contain information that are confidential and proprietary to TCCC. TCCC also objects to Interrogatory No. 9 on the grounds that the interrogatory seeks, in part, information and documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 9 that TCCC is not aware, as of the date of these responses, of the names or identities of any specific individuals who have been "confused or deceived" as a result of RC's use of RC's Alleged Marks. TCCC further states in response to Interrogatory No. 9 that TCCC's investigation is continuing regarding any instances of confusion as to the source, sponsorship, connection, affiliation, association or approval of products in connection with which RC's Alleged Marks have been used, and TCCC reserves the right to supplement this response based on the results of TCCC's continuing investigation.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 9:

In further response to Interrogatory No. 9, TCCC states that, as of the date of these responses, TCCC is not aware of any person who has been "confused or deceived" as a result of RC's use of RC's Alleged Marks.

INTERROGATORY NO. 10:

Identify all third parties believed or known by TCCC to have used, applied to register and/or registered a mark comprised in whole or part of the word ZERO or the numeral 0, or a variation of either, in connection with any beverage products.

RESPONSE TO INTERROGATORY NO. 10:

TCCC objects to Interrogatory No. 10 on the grounds that the interrogatory is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Interrogatory No. 10 on the grounds that the interrogatory seeks information that is as easily available to RC as to TCCC, and on the grounds that the interrogatory is duplicative, in part, of discovery requests previously served by RC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 10 that TCCC has produced to RC documents that may reflect certain uses, applications for registration and/or registrations of names that include ZERO or the numeral "0" in the United States. TCCC further states in response to Interrogatory No. 10 that TCCC will consider responding further to a narrower interrogatory that is reasonable in scope and specifies a relevant time frame and a relevant geographic scope.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 10:

In further response to Interrogatory No. 10, TCCC states that in addition to the third parties and/or marks identified in the documents previously produced by TCCC to RC and/or other discovery responses provided by TCCC, TCCC has obtained information indicating that the following individuals or entities have used, applied to register and/or registered in the United States a mark or alleged mark comprised in whole or in part of the word "ZERO" or the numeral "0" in connection with beverage products: Royal Crown Company, Inc.; Companhia de Bebidas das Americas - AMBEV; Ben & Jerry's Homemade, Inc.; LTZ, LLC; Herbal Water, Inc.; Corporacion

Industrial Alimenticia, S.A. de C.V.; MinTech, Inc.; PepsiCo, Inc.; Loud Beverage Company; Power Trip Beverages, Inc.; Impulse Energy USA; All Sport, Inc.; Jason Hansen and Garden Spring Beverage Corporation.

INTERROGATORY NO. 11:

For each third party identified in response to Interrogatory No. 10, Identify:
(a) the mark used by such third party;
(b) the actions, if any, TCCC has taken to stop use or prevent registration of the mark at issue;
(c) the status of all such actions; and
(d) whether the third-party mark is still in use.

RESPONSE TO INTERROGATORY NO. 11:

TCCC objects to Interrogatory No. 11 on the grounds that the interrogatory is unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Interrogatory No. 11 on the grounds that the interrogatory seeks information, in part, that is confidential and proprietary to TCCC. TCCC also objects to Interrogatory No. 11 on the grounds that the interrogatory seeks, in part, information that is as easily available to RC as to TCCC, and on the grounds that the interrogatory is duplicative, in part, of discovery requests previously served by RC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 11 that TCCC did not identify any third parties in response to Interrogatory No. 10. TCCC further states in response to Interrogatory No. 11 that TCCC reserves the right to supplement this response if it later supplements its response to Interrogatory No. 10.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 11:

In further response to Interrogatory No. 11, TCCC provides the following information regarding the entities identified in TCCC's supplemental response to Interrogatory No. 10:

Royal Crown Company, Inc. – marks DIET RITE PURE ZERO and PURE ZERO; TCCC has filed an opposition (Opposition No. 91184434); the opposition is pending; the marks are believed to be in use but the scope and extent thereof are unknown;

Companhia de Bebidas das Americas - AMBEV – mark GUARANA ANTARCTICA ZERO ACUCAR and Design; TCCC has filed an opposition (Opposition No. 91186175); the opposition is pending and suspended; the status of use is unknown;

Ben & Jerry's Homemade, Inc. – mark CAFÉ ZERO; TCCC has filed an opposition (Opposition No. 91181930); the opposition is pending and suspended; the status of use is unknown;

LTZ, LLC – mark LESS THAN ZERO; TCCC has filed an opposition (Opposition No. 91183580); the opposition is pending; the status of use is unknown;

Herbal Water, Inc. – mark ZERO IS GOOD; TCCC has filed an opposition (Opposition No. 91185018); the opposition is pending; the mark is believed to be in use but the scope and extent thereof are unknown;

Corporacion Industrial Alimenticia, S.A. de C.V. – marks KLASS ZERO and KLASS CERO; TCCC has filed an opposition (Opposition No. 91187638); the opposition is pending; the status of use is unknown;

MinTech, Inc. – mark ZERO^2; TCCC filed an opposition (Opposition No. 91187355); judgment in favor of TCCC was entered on February 24, 2009; the status of use is unknown;

PepsiCo, Inc. – mark 0 CAL CARB SUG and Design (four variations as shown in applications Serial Nos. 77-586,688, 77-586,710, 77-587,579 and 77-612,529); no action to stop use or prevent registration has been taken by TCCC as of the date hereof; the mark(s) are believed to be in use;

PepsiCo, Inc. – mark MAXIMUM TASTE. MAXIMUM ENERGY. ZERO CALORIES.; no action to stop use or prevent registration has been taken by TCCC as of the date hereof; the status of use is unknown;

Loud Beverage Company – mark LOUD POMBERRY ZERO and/or POMBERRY ZERO; letter sent by counsel for TCCC to Loud Beverage; application (Serial No. 77-336,826) abandoned; the status of use is unknown;

Power Trip Beverages, Inc. – mark POWER TRIP ZERO and/or POWER TRIP "0"; letter sent by counsel for TCCC to Power Trip Beverages; the status of use is unknown;

Impulse Energy USA – mark IMPULSE ENERGY DRINK ZERO and/or IMPULSE ZERO; no action to stop use or prevent registration has been taken by TCCC as of the date hereof; the status of use is unknown;

All Sport, Inc. – mark ALL SPORT NATURALLY ZERO and/or ALL SPORT ZERO; no action to stop use or prevent registration has been taken by TCCC as of the date hereof; the status of use is unknown;

Jason Hansen – mark UNLOADED DIET ENERGY DRINK ZERO CARBS ZERO SUGAR ZERO CALORIES and Design as shown in application Serial No. 77-532,925; no action to stop use or prevent registration has been taken by TCCC as of the date hereof; the status of use is unknown; and

Garden Spring Beverage Corporation – mark ZERO° as shown in application Serial No. 77-649,413; no action to stop use or prevent registration has been taken by TCCC as of the date hereof; the status of use is unknown.

INTERROGATORY NO. 14:

Identify all third-party marks consisting of or including the word ZERO or numeral 0, or a variation of either, known or believed by TCCC to be used or registered for beverage products to which TCCC does not object.

RESPONSE TO INTERROGATORY NO. 14:

TCCC objects to Interrogatory No. 14 on the grounds that the interrogatory is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 14 that, as Interrogatory No. 14 is understood by TCCC, there are numerous marks for beverage products that may have been used or registered in the United States by third parties that include the word ZERO or the numeral "0" to which TCCC may not object, depending on many variables, including the specifics of the mark, how it is used, the products on which it is used, the scope of the use, the manner in which the word ZERO or the numeral "0" is used, and other relevant factors. TCCC further states in response to Interrogatory No. 14 that without conducting a thorough investigation of each such mark and its use, it is not possible for TCCC to identify such marks to which it would not object.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 14:

In further response to Interrogatory No. 14, TCCC identifies the following marks that are or have been the subject of U.S. trademark applications for beverage products in International Classes 30, 32 or 33 that have been published for opposition, of which TCCC was aware of prior to the expiration of the time within which an opposition may be filed, and with respect to which TCCC did not file an opposition:

MAXIMUM TASTE. MAXIMUM ENERGY. ZERO CALORIES., Serial No. 77-546,090;

SOL CERO LIMON Y SAL and Design, Serial No. 77-551,682;

ZERO ONE, Serial No. 77-427,418;

NO CARBS ZERO CALORIES and Design, Serial No. 77-585,521;

GREAT CHOICE! • SUGAR FREE • ZERO CALORIES • ZERO CARBS and Design, Serial No. 77-275,916;

CARB-ZERO and Design, Serial Nos. 78-424,727 and 78-428,062;

ZERO IMPACT, Serial No. 77-248,529; and

+0 and Design, Serial No. 79-047,714.

This 29 day of July, 2009.

KING & SPALDING LLP

Bruce W. Baber
Emily B. Brown

1180 Peachtree Street
Atlanta, Georgia 30309
Telephone: 404-572-4600
Facsimile: 404-572-5134

Attorneys for Applicant and Opposer
THE COCA-COLA COMPANY

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing Supplemental Responses Of The Coca-Cola Company To Royal Crown's Second Set Of Interrogatories in the above-captioned matter upon Royal Crown, by causing a true and correct copy thereof to be deposited in the United States Mail, postage prepaid, addressed to counsel of record for Royal Crown as follows:

Ms. Barbara A. Solomon
Ms. Laura Popp-Rosenberg
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, New York 10017

This 29 day of July, 2009.

Bruce W. Baber

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ROYAL CROWN COMPANY, INC.,	)	
	)	Consolidated Proceedings:
	)	
Opposer,	)	OPPOSITION NO. 91178927
	)	OPPOSITION NO. 91180771
v.	)	OPPOSITION NO. 91180772
	)	OPPOSITION NO. 91183482
	)	OPPOSITION NO. 91185755
THE COCA-COLA COMPANY,	)	OPPOSITION NO. 91186579
	)	OPPOSITION NO. 91189847
	)	OPPOSITION NO. 91190658
Applicant.	)	

-- and --

THE COCA-COLA COMPANY,	)	
	)	
Opposer,	)	
	)	
v.	)	OPPOSITION NO. 91184434
	)	
ROYAL CROWN COMPANY, INC.,	)	
	)	
Applicant.	)	

SUPPLEMENTAL RESPONSE OF THE COCA-COLA COMPANY
TO ROYAL CROWN'S INTERROGATORY NO. 8

The Coca-Cola Company ("TCCC"), by and through its undersigned counsel and in accordance with Rules 26 and 33 of the Federal Rules of Civil Procedure, Rules 2.116 and 2.120 of the Trademark Rules of Practice and the Board's November 13, 2009 Order, hereby supplements its response as follows to Royal Crown's Interrogatory No. 8, served by Royal Crown Company, Inc. ("RC") on February 18, 2009

in connection with Royal Crown's Second Set of Interrogatories To The Coca-Cola Company" ("RC's Second Interrogatories").

GENERAL OBJECTIONS

TCCC hereby incorporates by reference TCCC's General Objections to RC's Second Interrogatories, as stated in TCCC's "Responses Of The Coca-Cola Company To Royal Crown's Second Set Of Interrogatories," served on March 25, 2009.

SUPPLEMENTAL OBJECTIONS AND RESPONSE TO INTERROGATORY NO. 8

Subject to and without waiving any of the foregoing general objections, TCCC supplements as follows its response to RC's Interrogatory No. 8:

INTERROGATORY NO. 8:

Describe in detail all advertising, marketing and promotional campaigns or activities that have included more than one of TCCC's Marks, specifying for each the mark(s) involved in and the media, media outlet, time frame and geographic scope of each such campaign or activity.

RESPONSE TO INTERROGATORY NO. 8:

TCCC objects to Interrogatory No. 8 on the grounds that the interrogatory is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Interrogatory No. 8 on the grounds that the interrogatory seeks information that is confidential and proprietary to TCCC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 8 that TCCC will produce documents sufficient to show advertisement that have been used and marketing and promotional activities that have been conducted in the United States that have included

more than one of TCCC's ZERO Marks, to the extent such materials are in the possession of TCCC.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 8:

In further response to Interrogatory No. 8, TCCC states that while TCCC has generated various advertisements that have been released for use by retailers, customers and others in print and/or outdoor media and that show and could be used to advertise multiple products bearing TCCC's ZERO Marks, as shown in the documents previously produced to RC, TCCC does not receive or maintain information regarding the specific uses made of such advertisements, including the specific media outlets, time frames or geographic areas in which such materials are used.

TCCC further states in response to Interrogatory No. 8 that documents previously produced by TCCC to RC, which bear production numbers TCCC000097, TCCC000100, TCCC000101, TCCC000102, TCCC000104, TCCC000108 and TCCC000541, are responsive to Interrogatory No. 8 and that TCCC is not aware, as of the date of these responses, of any additional non-privileged documents in TCCC's possession, custody or control that contain the information requested in Interrogatory No. 8. In further response Interrogatory No. 8, TCCC refers RC to the deposition testimony of TCCC's witnesses who have previously been deposed in connection with these proceedings, who have testified regarding the above issues.

This 14th day of December, 2009.

KING & SPALDING LLP

Bruce W. Baber
Emily B. Brown

1180 Peachtree Street
Atlanta, Georgia 30309
Telephone: 404-572-4600
Facsimile: 404-572-5134

Attorneys for Applicant and Opposer
THE COCA-COLA COMPANY

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing Supplemental Response Of The Coca-Cola Company To Royal Crown's Interrogatory No. 8 in the above-captioned matter upon Royal Crown, by causing a true and correct copy thereof to be deposited in the United States Mail, postage prepaid, addressed to counsel of record for Royal Crown as follows:

Ms. Barbara A. Solomon
Ms. Laura Popp-Rosenberg
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, New York 10017

This 14th day of December, 2009.

Emily B. Brown

EXHIBIT 23

Laura Popp-Rosenberg

From: Laura Popp-Rosenberg
Sent: Monday, February 22, 2010 4:58 PM
To: 'Baber, Bruce'
Cc: Barbara Solomon
Subject: Royal Crown / Coca-Cola

Dear Bruce:

Related to our correspondence earlier today regarding an extension of the discovery period to take the additional Royal Crown's witnesses' depositions, I wanted to follow up with you regarding some additional outstanding discovery issues:

1. Interrogatories: You indicated that you would be serving a set of revised interrogatories. When do you intend to do so?

2. Royal Crown's Document Production: As I previously advised, we are still in the process of reviewing materials that Royal Crown has gathered in response to TCCC's document requests. Although I indicated that I hoped we would be able to make production by the end of this month, it is more likely that production will not be until next week.

3. TCCC's Responses to Royal Crown's Third Document Requests: We received TCCC's responses to Royal Crown's third set of document requests. Two issues:
-- First, we would like to set up a conference call this week to discuss TCCC's objections. Generally speaking, we believe it is improper for TCCC to refuse to produce materials about VITAMIN WATER ZERO or any other product/mark that is not the subject of an opposed application. As you know, we have alleged that the term ZERO as used in TCCC's applied-for marks is generic or descriptive, and therefore use of the term in connection with TCCC's other products is relevant to the proceeding to the extent it shows descriptive/generic use of the term. Moreover, TCCC has claimed a family of marks, and I imagine that TCCC purports to include VITAMIN WATER ZERO within this family; please advise if we are mistaken. The preceding comments are in response to your General Objections 2 and 3, and your responses to Requests Nos. 40 and 43-46. We also would like you to explain your objections to Requests Nos. 39, 40, 41, 47 and 48, which we believe are improper. Additionally, we would like you to explain what you mean by the phrase "as descriptive phrases" with respect to the documents TCCC has agreed to provide in response to Requests Nos. 39 and 40. Further, we would like you to explain what you mean by stating in response to Request No. 48 that TCCC will produce documents only if they "can be identified through a search that is reasonable in scope."
-- Second, we would like to know when TCCC expects to make its production in response to these requests. Given the impending trial, we obviously cannot wait multiple months, as we have had to with respect to TCCC's prior productions.

Regards,
Laura

Laura Popp-Rosenberg | Fross Zelnick Lehrman & Zissu, P.C.
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EXHIBIT 24

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

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Nadine H. Jacobson
Andrew N. Fredbeck
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Lydia T. Gobena
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Marilyn F. Kelly
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Xiomara Triana
Jason Jones
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Lesley J. Matty
Giselle C. Woo
Todd Martin

April 29, 2010

BY EMAIL

Bruce W. Baber, Esq.
King & Spalding LLP
1185 Avenue of the Americas
New York, NY 10036
Email: bbaber@kslaw.com

Re: *Royal Crown Company, Inc. v. The Coca-Cola Company*
(Our Ref.: DPSU USA TC-07/05053)

Dear Bruce:

We write to take up several issues related to the pending consolidated opposition proceedings between Royal Crown Company and The Coca-Cola Company.

Schedule for Proceedings. Attached for your consideration is a proposed stipulation to correct the schedule for these consolidated proceedings. Please let us know if anything seems out of order. Otherwise, please sign and return for filing.

Coke's Interrogatories to Royal Crown. You have indicated on multiple occasions that Coke plans to serve revised interrogatories to correct the excessive interrogatories it served on December 17, 2009. I believe that during our conference call on March 9, you stated that you would serve the revised interrogatories, at the latest, by the following Monday – that is, by March 15. However, Coke has yet to serve revised interrogatories. We ask that you inform us **by end of day Wednesday, May 5, 2010**, when Coke plans to serve the revised interrogatories. The delay seems inexplicable from our perspective.

Coke's Responses to the Third Set of Document Requests. I outlined certain deficiencies in Coke's Responses to Royal Crown's Third Set of Document Requests by email on February 22, 2010, which you and I discussed by telephone on March 9, 2010. In addition to the promises you made regarding the interrogatories (discussed above) and document production (discussed below), during that call you also stated that you would let me know by March 19, 2010 whether Coke would provide responses to the requests concerning VITAMIN WATER ZERO. You have not provided the promised response, and we now ask that you do so **by end of day Wednesday, May 5, 2010** so that we may know whether we will be forced to take the issue up with the Board. We also had an outstanding dispute regarding foreign decisions holding ZERO to be descriptive or generic. You stated that you would not provide such decisions unless we provided case law holding that such decisions are relevant. In that respect, we draw your attention to *Otokoyama Co. Ltd. v. Wine of Japan Import, Inc.*, 175 F.3d 266, 272-273 (2d Cir. 1999). Please let us know **by end of day Wednesday, May 5, 2010** whether you will

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produce the requested foreign decisions so that we know whether we will have to take this issue to the Board.

Coke's Document Production. We have received no additional documents from Coke in response to either our Third Set of Document Requests, served January 14, 2010, or our Fourth Set of Document Requests, served February 23, 2010, despite responses indicating that documents would be produced. We had already taken up with you the issue of production in response to the Third Set of Document requests when you and I spoke by telephone on March 9, at which time you stated that you would make production by the end of March. Given the quickly approaching trial opening, we ask that you advise us **by end of day Wednesday, May 5, 2010**, of a date certain by which you will produce responsive documents. If you do not provide the date certain by May 3, or do not produce documents by the date certain provided, we will be forced to take the matter up with the Board in order to preserve our right to evidence for trial.

Coke's Responses to Royal Crown's Fourth Set of Document Requests: In addition to wanting to know when Coke plans to serve responsive documents as discussed above, we also have the following concerns about Coke's written responses to the Fourth Set of Document Requests:

- General Objection 3: This objection is improper. As you well know, products that do not bear one of the marks at issue in these proceedings are in fact relevant because (i) Coke uses marks including the term ZERO other than the marks at issue in these proceedings (e.g., VITAMIN WATER ZERO); and (ii) these proceedings concern, *inter alia*, whether the term zero is descriptive or generic in the beverage category. Please let us know whether Coke will respond to the requests as required by the definition.
- Requests Nos. 49 and 52: If there are any privileged responsive documents, they must be identified on a privilege log. Please let us know whether you intend to do so.
- Requests Nos. 50, 51, 53-58, and 62: If Coke does not intend to produce additional documents, it should so state. Please let us know whether you intend to do so.
- Request No. 63: Your limitation that only documents from creative agencies hired by TCCC is unwarranted. Coke must produce documents in its possession, custody or control, regardless of who actually hired the creative agency. Please let us know whether you intend to do so.

We request responses to the above **by end of day Wednesday, May 5, 2010**, so that we know whether we must take up these issues with the Board.

Royal Crown's Responses to Coke's First Set of Document Requests. During our conference on March 9, 2010, we discussed certain of Royal Crown's document request responses. Since you now have Royal Crown's document production, you should already have answers to the open questions from our discussion, but just so the record is clear:

- Document Request No. 9: Without waiving our objections to this request, we have produced responsive documents.
- Document Request No. 10: We do not waive our objections to this request. As I indicated, we will produce responsive documents if Coke itself produces documents identifying its bottlers and other licenses. Coke has not produced such documents, so neither has Royal Crown.
- Document Requests Nos. 16/17: As you and I agreed, these requests are now limited to comments referencing both Coke's zero-named products and Royal Crown's zero-named products. Without waiving our objections to these requests, we have produced responsive documents.
- Document Request No. 18: As you and I agreed, these requests are now limited to providing deliverables from creative agencies. Without waiving our objections to this request, we have produced responsive documents.
- Document Request No. 22: We do not waive our objections to this request. As far as we understand the request, however, there are no responsive documents.

Trial Testimony Procedure. You stated that you would let us know by March 12, 2010 whether Coke would consent to testimonial evidence at trial being submitted by declaration, but you have not yet provided a response. As a reminder, what we propose is that each party may (but is not required to) submit trial testimony by declaration no later than the 15th day after the trial period opens, and to make declarants available for oral cross-examination (and redirect) during the final 15 days of the trial period. For rebuttal periods, declarations would be due by the 7th day, with oral cross-examination/redirect during the last 8 days of the rebuttal period. Please let us know by end of day Wednesday, May 5, 2010 whether this trial procedure is acceptable to Coke, so that we can begin planning our trial testimony accordingly.

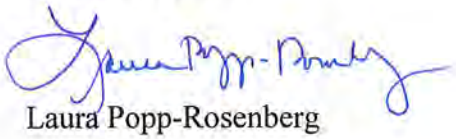
Procedure for Introducing Produced Documents at Trial. You and I agreed that we would work together in good faith to simplify the submission of produced documents as evidence at trial. I understand that we agreed that, prior to trial, each party could present the other party with a list of produced documents that the party would like to submit into evidence as authenticated by the producing party, such list to include a description of what the party would like to submit the document as – *e.g.*, Document X is a true and correct copy of a print advertisement used by TCCC. The parties would then work together to agree on accurate descriptions, as necessary. Please let me know if you understood, or would like to propose, something different. You and I did not, however, discuss the exact procedure for document authentication in advance of trial. In that regard, we propose the following: each party would provide the list of documents and proposed descriptions to the other party along with the party's pretrial or rebuttal disclosures. The parties would then arrange a mutually convenient telephone conference to take place no later than five days before the opening of the relevant trial period to discuss any document descriptions that the receiving party finds inaccurate, and to negotiate in good faith a mutually-acceptable revised description. Please let us know if

this procedure is acceptable to you, or, if it is not acceptable, what alternate procedure you propose.

* * * * *

We look forward to hearing from you by Wednesday.

Very truly yours,



Laura Popp-Rosenberg

cc: Barbara A. Solomon

EXHIBIT 25

Laura Popp-Rosenberg

From: Baber, Bruce [BBaber@KSLAW.com]
Sent: Wednesday, May 12, 2010 7:40 PM
To: Laura Popp-Rosenberg
Cc: Brown, Emily
Subject: TCCC / Royal Crown -- ZERO Oppositions

Laura --

This is in response to your letter dated April 29 regarding the above matters, and will address the issues you raised in the order in which you raised them.

Schedule for Proceedings -- Thank you for preparing the stipulation regarding the complete schedule. We are in general agreement with the proposed schedule as set forth in your draft "Stipulation To Correct Schedule," with one exception. I believe that the correct date for Royal Crown's pretrial disclosures should be June 10 (or so, I have not done the actual calculation), and not June 19 -- which is only about five days before the start of the testimony period instead of the normal fourteen or so. I think this may be just a typographical error, but let me know if it was intentional. We also have a very few minor, non-substantive edits to the draft, and will send to you tomorrow a revised document that reflects our proposed changes (including the change of the pretrial disclosure date).

TCCC's Interrogatories to Royal Crown -- Further to our prior discussions, we plan to serve our revised interrogatories tomorrow -- i.e., on Thursday, May 13 -- or on Friday of this week (May 14) at the latest.

TCCC Responses to Third Set of Document Requests -- As we discussed during our recent telephone conference, we agree to produce at least some documents regarding Vitaminwater Zero. To the extent our responses to the document requests need to be supplemented to indicate or confirm what we are willing to produce, we will serve supplemental responses on or before next Wednesday, May 19.

As to the issue of any foreign decisions regarding any of TCCC's ZERO marks, we do not believe that the Otokoyama decision is on point. As you know, that decision relates to the issue of whether a foreign language word is a generic term in its native language, and there is no such issue in these proceedings. The Otokoyama decision itself confirms the general rules that foreign decisions are as a general matter not relevant, that any relevance depends on the purpose for which such decisions are offered, and that such decisions are not relevant and inadmissible if the purpose is arguably to show whether a mark is registrable. These same rules have been confirmed and applied in numerous TTAB decisions, such as ExxonMobil Oil Corp. v. Bartels Mangold Electronic GmbH, 2007 WL 2344690 (TTAB 2007)(excluding OHIM decision as irrelevant and of no probative value) and the cases cited therein.

Consistent with these authorities, we do not believe that there is any relevant purpose for which any such decisions could be offered in these cases and therefore continue to believe that any decisions by foreign tribunals "finding one or more of TCCC's Marks to be descriptive or generic or otherwise incapable of functioning as a trademark" are not relevant and would not be admissible. We are, however, willing to consider this issue further if you can identify for us the purpose for which you think such decisions would be relevant and admissible.

TCCC Document Production -- Based on current information and schedules, we believe that we will be able to produce any additional TCCC documents responsive to Royal Crown's third and fourth sets of document requests on or before Thursday, June 3.

TCCC Responses to Royal Crown's Fourth Document Requests -- As to general objection 3, which relates to your defined term "Other TCCC Products," we continue to believe that it is a proper objection. As you know, marks that are not at issue and products bearing those marks are generally not relevant to Board proceedings. That said, however, we have responded to the individual document request in this set that uses the defined term "Other TCCC Products" (request 60) and have stated that we will produce responsive documents as described. We therefore do not see a live issue as to the general objection. Please let us know, however, if we are misunderstanding your comments with respect to the general objection.

As to requests 49 and 52, we will identify any additional privileged documents in a supplement to our previously-produced privilege log, and will do so when we produce any additional non-privileged documents.

As to requests 50, 51, 53-58 and 62, we are currently attempting to determine the requests in response to which we will have additional documents to produce. As presently advised, I believe we will have additional documents responsive to at least several of these requests.

As to request 63, we did not intend our response to be limited as you describe, and apologize for any confusion that the wording of the response may have caused. We intend to produce responsive documents of the type described regardless of whether TCCC retained the creative agency in question.

Royal Crown Responses to TCCC First Document Requests -- Your comments with respect to the issues we discussed are generally consistent with our notes of our conversation. We would appreciate your clarifying, however, whether Royal Crown believes that its production is complete. In particular, I understood from our conversation in Texas that certain audio and video materials were not reproduced properly, were inadvertently not included in the disk that you produced to us, and were in your offices and would be produced upon your return from Texas. In addition, I was under the impression that there were some additional materials identified in the recent depositions that you were attempting to locate and produce. Please advise whether this is correct or not.

We are continuing to review the Royal Crown production and will let you know if we believe that there are any documents that have not been produced or have any other issues relating to the responses.

Finally, we have not yet received Royal Crown's privilege log -- but did receive at least some redacted documents. Please let us know when you expect to send us Royal Crown's privilege log.

Trial Testimony Procedure -- We are agreeable to the procedures you propose with respect to the direct testimony of witnesses during the testimony periods, with the understanding that the procedures relate only to direct examination and not the submission of testimonial evidence generally, i.e., they do not apply, for example, with respect to redirect examination. We would also ask that any testimony submitted by declaration be delivered either electronically or by hand to the other side by the applicable due date (on or before the 15th or 7th day of the period), so that no time is lost while documents are in the mail, etc.

Procedure for Introducing Produced Documents at Trial -- Your characterization of our discussion regarding how to deal with documents is generally consistent with my recollection of our discussion.

As to the more specific procedures you propose in your letter, I am generally agreeable to the procedures you suggest, with the caveats that the parties shall be free to add additional produced documents during the testimony periods (if permitted to do so by the applicable rules), and that the procedures you suggest shall not be the only means of authenticating documents produced by the other party. I also assume that any objections other than authenticity will be reserved and not affected by this procedure. Some of this may depend on the degree of specificity with which the parties identify or describe the documents in or at the time of the pretrial disclosures, but your proposed procedures sound reasonable to me as I understand them.

Please let me know if you have any questions regarding any of the above.

Best regards --

Bruce

Bruce W. Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

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EXHIBIT 26

Laura Popp-Rosenberg

From: Laura Popp-Rosenberg
Sent: Thursday, May 13, 2010 12:36 PM
To: 'Baber, Bruce'
Cc: 'Brown, Emily'; Barbara Solomon
Subject: RE: TCCC / Royal Crown -- ZERO Oppositions

Dear Bruce:

Thank you for your email below. Here are our comments:

TCCC's Document Production: Your indication that you "believe" TCCC will be able to produce outstanding documents by June 3 is unacceptable, considering that our trial period opens three weeks later. That does not provide us with sufficient time to review the additional materials and make appropriate preparations for trial, including with respect to the parties' arrangements concerning document authentication. The late production is particularly unacceptable considering that the document requests have been outstanding since February. Please let us know **immediately** whether you would prefer to accelerate your production, or push back the start of trial for two weeks (which coincides with your proposed extension of some of the later dates in the proceeding, anyway).

With respect to your comments on TCCC's planned production in response to certain specifically identified requests, we reserve our right to address any deficiencies once TCCC makes its production.

Schedule for Proceedings: Yes, the June 19 entry was a typo; the date should have been June 9, 15 days prior to the opening of trial. And we are generally amenable to extending the later dates 2 weeks so as to avoid deadlines around the holidays. However, we will wait to make these adjustments until we have your response to the point above.

Foreign Decisions. We disagree that the *Otokoyama* decision is not on point, since "zero" is a foreign word as well as an English word. However, it is clear that *ExxonMobil Oil Corp.* is not on point in any respect, since that case involved whether a foreign decision was relevant to determining the similarity of the marks. Our position is this: TCCC can either produce the foreign decisions, and the parties can let the Board decide at trial whether they are relevant or not, or TCCC can continue to refuse to produce them and Royal Crown can make a motion to compel. If you are correct that the decisions are irrelevant, there would seem to be no risk to their production, since the Board will simply ignore and exclude them at trial. We therefore do not quite understand your client's reluctance. In any event, please let us know **immediately** how you would like to proceed.

Royal Crown's Document Production: We intend to supplement Royal Crown's document production, and hope to produce additional documents and things (including the audio and audio-visual materials you referenced) by next week. We are also putting the finishing touches on our privilege log.

Trial Testimony Procedure: Yes, we intended that the written testimony agreement would apply only to direct testimony and not to redirect testimony, and we intended that written testimony would be *delivered* to the other side on the due date, either electronically or by hand.

Procedure for Introducing Produced Documents: Yes, of course the parties are free to authenticate/introduce documents by any appropriate method during trial, and all other objections would be reserved.

We look forward to hearing your response regarding acceleration of TCCC's document production or extension of the trial period, and regarding the foreign decisions.

Regards,
Laura

EXHIBIT 27

Laura Popp-Rosenberg

From: Laura Popp-Rosenberg
Sent: Thursday, May 13, 2010 5:22 PM
To: 'Baber, Bruce'
Cc: 'Brown, Emily'; Barbara Solomon
Subject: RE: TCCC / Royal Crown -- Scheduling Motion
Attachments: F0625157.DOC

Hi, Bruce:

A 30-day extension is okay with us, although we still expect TCCC to make final production no later than June 3 and reserve our right to seek a further extension if TCCC does not do so.

We are okay with all of the changes that you made to the proposed stipulation, except that almost all of the dates were off by a day (and not always in the same direction!). We've corrected the dates in the attached -- please let me know if our calculations look correct. If so, you can accept the changes, sign on behalf of TCCC and return to us for counterexecution and filing.

Regards,
Laura

From: Baber, Bruce [mailto:BBaber@KSLAW.com]
Sent: Thursday, May 13, 2010 4:40 PM
To: Laura Popp-Rosenberg
Cc: Brown, Emily
Subject: TCCC / Royal Crown -- Scheduling Motion

Laura --

This is in partial response to your message of earlier today regarding the above matter.

We are agreeable to a slight further extension of the schedule, as you suggested, in order to give both parties time to complete the production of all remaining documents and prepare for the pretrial disclosures and testimony periods. We believe, however, that it makes sense to simply extend all of the dates by thirty additional days rather than fourteen, as thirty makes the calculations easier and the new schedule then avoids the holiday issue that was the basis for the adjustments to the schedule we proposed in our earlier draft.

A further revised version of the stipulation / motion is attached, which we have again prepared using Track Changes from the earlier draft (although we have accepted the changes to the specific dates in the schedule to improve readability of the document in View / Markup mode). As you can see, this revised draft adds a sentence or two explaining the additional thirty-day extension and deletes the sentence that was in our earlier draft regarding the rebuttal period / holiday issue. And I think we got all of the extended dates correct -- but you may want to check them to be sure.

Please let us have your thoughts regarding the attached document at your convenience.

I will be back to you separately regarding the other issues raised in your message.

Best regards --

Bruce

Bruce W. Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

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EXHIBIT 28

Laura Popp-Rosenberg

From: Laura Popp-Rosenberg
Sent: Wednesday, June 09, 2010 12:58 PM
To: 'Baber, Bruce'
Subject: Royal Crown / TCCC -- Discovery issues

Dear Bruce:

We haven't received any additional document production from TCCC, although you stated that you expected to make the production by June 3. Is the document production already on its way? If not, when can we expect it?

Also, by our calculation, Royal Crown's responses to TCCC's Revised First Set of Interrogatories are due June 14, 2010. Could we have a one week extension of that deadline?

Thanks,
Laura

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EXHIBIT 29

Laura Popp-Rosenberg

From: Baber, Bruce [BBaber@KSLAW.com]
Sent: Thursday, June 10, 2010 11:32 AM
To: Laura Popp-Rosenberg
Subject: RE: Royal Crown / TCCC -- Discovery issues

Hi Laura --

Thanks for your message of yesterday.

I met with my client in Atlanta earlier this week, and they are still searching for some of the documents you have requested. I will update you further in the next several days regarding when we will be ready to make the production.

No problem with the one-week extension on the interrogatory responses, as long as Royal Crown will in fact respond and not object again on the grounds that there are more than 75 interrogatories. If you do plan to do that, I would think that you would not need an extension.

Any update on RC's privilege log?

Best regards --

Bruce

Bruce W. Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

From: Laura Popp-Rosenberg [mailto:lrosenberg@fzlz.com]
Sent: Wednesday, June 09, 2010 12:58 PM
To: Baber, Bruce
Subject: Royal Crown / TCCC -- Discovery issues

Dear Bruce:

We haven't received any additional document production from TCCC, although you stated that you expected to make the production by June 3. Is the document production already on its way? If not, when can we expect it?

Also, by our calculation, Royal Crown's responses to TCCC's Revised First Set of Interrogatories are due June 14, 2010. Could we have a one week extension of that deadline?

Thanks,
Laura

EXHIBIT 30

Laura Popp-Rosenberg

From: Baber, Bruce [BBaber@KSLAW.com]
Sent: Tuesday, July 06, 2010 10:08 AM
To: Laura Popp-Rosenberg
Cc: Brown, Emily
Subject: RC v TCCC -- Zero Proceedings

Hi Laura --

Hope you had a good Fourth of July holiday.

Thanks for your voice mail message of late last week, which I think covered pretty fairly the various open discovery issues on both sides relating to the above matters. I will not be in the office at all this week, but wanted to let you know that we are agreeable to the extension you propose for the reasons you suggested. We do have some of the additional documents that we will be producing to you but not all, and I will be checking in with the client later this week regarding the outstanding ones.

What I suggest is that (since you have the form from last time) you prepare a motion with a new schedule and send a draft to us for review so we can see where all the new dates will fall vis-a-vis holidays, etc. and be sure that the dates work on both sides. Depending on how the dates fall, we would be amenable to either a thirty-day extension or a forty-five day extension of all the dates, whichever best works with the year-end holidays.

And we can pick back up on the open issues next week when I am back in the office.

Best regards --

Bruce

Bruce W. Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

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EXHIBIT 31

Laura Popp-Rosenberg

From: Laura Popp-Rosenberg
Sent: Tuesday, July 13, 2010 4:43 PM
To: 'Baber, Bruce'
Subject: ZERO proceedings

Dear Bruce:

I am writing to follow-up regarding TCCC's outstanding documents, and also TCCC's outstanding response regarding the production of foreign decisions. Please let us know when we can expect TCCC's remaining documents and TCCC's decision on the foreign opinions.

Regards,
Laura

Laura Popp-Rosenberg | Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza | New York, New York 10017
T: (212) 813-5943 | F: (212) 813-5901 | www.frosszelnick.com

EXHIBIT 32

Laura Popp-Rosenberg

From: Laura Popp-Rosenberg
Sent: Monday, August 09, 2010 12:48 PM
To: 'Baber, Bruce'
Cc: Barbara Solomon
Subject: RE: ZERO proceedings

Dear Bruce:

I never received a response to my email below (or proceeding ones like it), nor have we received any additional documents despite the fact that the document requests at issue were served nearly six months ago at this point.

Coke's continued delay in producing documents, and its delay in advising whether it intends to produce the foreign decisions, is prejudicing Royal Crown's trial preparation, including its preparation of initial disclosures due in two weeks.

Please advise immediately (i) whether Coke will agree to a further extension of the trial dates; and (ii) when Coke will produce its remaining documents and advise regarding the production of foreign decisions. With regard to the extension, we are amenable to a 30-day extension, but as this would put Coke's trial period of the winter holidays, Coke may prefer a longer extension.

If you don't respond to this email promptly, or refuse to consent to the extension, Royal Crown will have no choice but to proceed with a motion to compel.

We look forward to hearing from you.

Regards,
Laura

From: Laura Popp-Rosenberg
Sent: Tuesday, July 13, 2010 4:43 PM
To: 'Baber, Bruce'
Subject: ZERO proceedings

Dear Bruce:

I am writing to follow-up regarding TCCC's outstanding documents, and also TCCC's outstanding response regarding the production of foreign decisions. Please let us know when we can expect TCCC's remaining documents and TCCC's decision on the foreign opinions.

Regards,
Laura

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EXHIBIT 33

Laura Popp-Rosenberg

From: Baber, Bruce [BBaber@KSLAW.com]
Sent: Thursday, August 12, 2010 4:20 PM
To: Laura Popp-Rosenberg
Subject: RE: ZERO proceedings

Hi Laura --

Sorry for not getting back to you yesterday on this, it was one of those days and today is no better.

Several items.

First, you had asked in your message of July 6 whether we will consent to substituting Dr Pepper / Seven Up, Inc. as the party in place of Royal Crown. Based on your representations that RC will cease to exist, that its marks have been assigned to Dr Pepper / Seven Up, and that this substitution will not affect our ability to obtain needed information, etc., we will consent to the substitution. Please prepare a draft of a consent motion for our review.

Second, we are nearly complete with the task of trying to identify any remaining documents responsive to your outstanding requests, and acknowledge that it is taking us longer than we anticipated due to the press of some intervening matters. Based on current schedules, I believe that we will be able to produce any remaining documents by September 8, the Wednesday after Labor Day. It would be sooner but for the fact that I will be on vacation later this month and Emily is out on maternity leave -- her due date is Monday and she is working from home based on her doctor's advice.

Third, in view of the above, I suggest we request a further 45 day extension, which would move your disclosure date from August 23 to the first week of October. I want to see how all the dates would then play out in view of the holidays at the end of the year, and may want to do a 60 day extension depending on that. I also suggest that we (1) take out of the next motion the parts from the last one that referenced the settlement language of the earlier order and (2) add some references to the fact that the parties have agreed to certain additional pre-testimony procedures that will simplify the proceedings but require additional activities prior to the finalization of the disclosures, etc. and that we are still addressing certain open discovery issues that are taking longer than anticipated due to summer holidays and vacation schedules.

Fourth, we are trying to get a better handle on the issue of foreign decisions relating to the ZERO marks before we provide you with a further response. As you may know, my client's global trademark function is decentralized, and prosecution matters are handled by lawyers in other countries. I also note that we requested that you provide us with some sense of the issues with respect to which you believe any foreign decisions would be relevant, but as far as I know you have not done so. But I will be back to you with a further response on this issue by the same September 8 date.

Finally, as you know the parties have had some direct in-house to in-house counsel discussions regarding these matters on a number of occasions in the past, most recently last year when one of my clients spoke with Michael Woods of DPSG. I have been asked by my client whether he is still the DPSG lawyer who is responsible for these matters and, if so, for his contact information. And if he is not the right person, can you advise who is and her or his contact information? My folks may want to have a further discussion with their counterparts at DPSG sometime during the next few weeks.

I think that covers all the open issues for now; let me know if you think I have left anything out. I hope your back issues have been resolved and that you can enjoy a restful vacation -- hopefully someplace fun.

Best regards --

Bruce

Bruce W. Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

From: Laura Popp-Rosenberg [mailto:lrosenberg@fzlz.com]
Sent: Thursday, August 12, 2010 10:12 AM
To: Baber, Bruce
Subject: RE: ZERO proceedings

Dear Bruce:

I didn't hear from you yesterday, so I'm checking in. As noted, I'd like to get the extension taken care of before I'm out next week.

Thanks,
Laura

From: Laura Popp-Rosenberg
Sent: Tuesday, August 10, 2010 10:51 AM
To: 'Baber, Bruce'
Subject: RE: ZERO proceedings

Thanks, Bruce. Please do get back to me on all issues by Wednesday, as I will be on vacation next week and would like to know where things stand before I leave.

From: Baber, Bruce [mailto:BBaber@KSLAW.com]
Sent: Monday, August 09, 2010 6:54 PM
To: Laura Popp-Rosenberg
Subject: RE: ZERO proceedings

Laura --

Thanks for your message of earlier today. I have been tied up all day and unable to respond until now.

We will agree to a further extension, but I need to check with my client to see where a couple of the open issues stand before advising on the length of the extension (and when we should

request it). I also want to get back to you on some other issues, including the change of ownership issue you wrote to me about some time ago. I will be back to you on these by Wednesday.

Best regards --

Bruce

Bruce W. Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

From: Laura Popp-Rosenberg [mailto:lrosenberg@fzlz.com]
Sent: Monday, August 09, 2010 12:48 PM
To: Baber, Bruce
Cc: Barbara Solomon
Subject: RE: ZERO proceedings

Dear Bruce:

I never received a response to my email below (or proceeding ones like it), nor have we received any additional documents despite the fact that the document requests at issue were served nearly six months ago at this point.

Coke's continued delay in producing documents, and its delay in advising whether it intends to produce the foreign decisions, is prejudicing Royal Crown's trial preparation, including its preparation of initial disclosures due in two weeks.

Please advise immediately (i) whether Coke will agree to a further extension of the trial dates; and (ii) when Coke will produce its remaining documents and advise regarding the production of foreign decisions. With regard to the extension, we are amenable to a 30-day extension, but as this would put Coke's trial period of the winter holidays, Coke may prefer a longer extension.

If you don't respond to this email promptly, or refuse to consent to the extension, Royal Crown will have no choice but to proceed with a motion to compel.

We look forward to hearing from you.

Regards,
Laura

From: Laura Popp-Rosenberg
Sent: Tuesday, July 13, 2010 4:43 PM

To: 'Baber, Bruce'
Subject: ZERO proceedings

Dear Bruce:

I am writing to follow-up regarding TCCC's outstanding documents, and also TCCC's outstanding response regarding the production of foreign decisions. Please let us know when we can expect TCCC's remaining documents and TCCC's decision on the foreign opinions.

Regards,
Laura

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EXHIBIT 34

Laura Popp-Rosenberg

From: Laura Popp-Rosenberg
Sent: Friday, September 10, 2010 5:21 PM
To: 'Baber, Bruce'
Cc: Barbara Solomon
Subject: RE: ZERO proceedings

Dear Bruce:

I'm following up on my email below. I had asked for a response by today, but have not received one yet.

I'm also following up on TCCC's production. Your email to me of August 12 stated that production would be made by September 8. We have not received anything yet. Can you please let me know if documents were indeed sent out on Wednesday? If not, when can we expect to receive them?

Regards,
Laura

From: Laura Popp-Rosenberg
Sent: Tuesday, September 07, 2010 11:07 AM
To: 'Baber, Bruce'
Subject: ZERO proceedings

Dear Bruce:

I hope you had an enjoyable Labor Day weekend.

Because it is sometimes difficult to get time on our client's calendars, we have been looking ahead to possible deposition dates for our trial period. As it ends up, with the Thanksgiving Day holiday and planned vacations, we are having problems scheduling one of our witnesses for deposition during the trial period. We therefore request your consent to take the witness's deposition out of time.

Our trial period is scheduled to close Monday, December 6; we propose to take the one out-of-time deposition two days later, on Wednesday, December 8. We ask that you let us know by this Friday, September 10, whether your client will consent to take the out-of-time deposition. If so, we will prepare a stipulation to submit to the Board.

Thank you in advance for your consideration.

Regards,
Laura

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EXHIBIT 35

Laura Popp-Rosenberg

From: Baber, Bruce [BBaber@KSLAW.com]
Sent: Friday, September 10, 2010 5:37 PM
To: Laura Popp-Rosenberg
Subject: RE: ZERO proceedings

Hi Laura --

Thanks for the reminder; you were on my list for today and I just hadn't gotten back to you yet.

I have no problem in concept with your taking the testimony of one witness two days after the period closes, as long as the witness is identified by name in advance. However, I would want to avoid if possible having to make an extra trip (to Plano, for example) for just that one witness, especially if we will have had to travel to the same location (Plano, for example) during the testimony period for other witnesses -- so perhaps some further coordination is warranted. Ideally, it would be best if we could do all of your witnesses in the same location in a single trip -- just as we would try to plan to do all of our Atlanta witnesses in a single trip when our testimony period comes around.

So without knowing the details of which witness you are referring to, where he or she is located, how many witnesses you plan to have, and whether some of the others are in the same location, I have several questions. Can you identify the one witness? Do you plan to have other witnesses in the same location? If so, would it work better and would we be able to do all of the witnesses in a single trip if we did them all that same week or the next week, i.e., if we did two or three witnesses "out of time" rather than just one?

I am willing to be pretty flexible on this and we could even push back your testimony close date by a week or two if necessary, but I don't know enough at this point to suggest how best to handle it. And it's not that I don't like Plano, of course. Just trying to be efficient.

I do have documents that I am trying to get processed in Emily's absence, and hope to have them to you next week or the first of the following week since I have a brief due on Monday and will be on the west coast most of the rest of next week.

Best regards --

Bruce

Bruce W. Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

From: Laura Popp-Rosenberg [mailto:lrosenberg@fzlz.com]
Sent: Friday, September 10, 2010 5:21 PM
To: Baber, Bruce
Cc: Barbara Solomon
Subject: RE: ZERO proceedings

EXHIBIT 36

Laura Popp-Rosenberg

From: Laura Popp-Rosenberg
Sent: Tuesday, July 17, 2012 10:27 AM
To: 'Baber, Bruce'
Cc: 'Brown, Emily'; Barbara Solomon
Subject: RE: Royal Crown/TCCC (ZERO)

Importance: High

Dear Bruce:

Following up on my email below. Please advise when you are available for a discussion this week. My schedule is flexible.

Regards,
Laura

From: Laura Popp-Rosenberg
Sent: Monday, July 09, 2012 8:17 PM
To: 'Baber, Bruce'
Cc: 'Brown, Emily'
Subject: Royal Crown/TCCC (ZERO)

Dear Bruce:

It looks like it is time to start-up our consolidated oppositions once again. (Of course, if you have any information about an appeal of the AmBev decision that would continue to delay our trial, please let us know.)

We believe that it would be useful for the parties to agree on a schedule for moving forward with the trial, which the parties would then suggest to the TTAB. Looking back over our records, it seems that there are a small number of issues that the parties still need to work out before trial can start, including both parties needing to update certain of their discovery responses and/or document productions.

Can we have a telephone conference this week to discuss? I propose Wednesday at 3:00 PM, but if that doesn't work for you, please suggest some other date/time combos that would work.

Regards,
Laura

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EXHIBIT 37

Laura Popp-Rosenberg

From: Laura Popp-Rosenberg
Sent: Thursday, July 19, 2012 3:41 PM
To: 'Baber, Bruce'
Cc: 'Brown, Emily'; Barbara Solomon
Subject: RE: Royal Crown/TCCC (ZERO)
Attachments: F1051017.PDF

Importance: High

Dear Bruce:

As you know, the Board has reinstated the consolidated proceedings between Royal Crown and TCCC. (See attached.) We would still like to speak with you to discuss the open discovery issues and to discuss whether any changes should be made to the Board's schedule.

Please advise me of your availability. I am available any time tomorrow.

Regards,
Laura

From: Laura Popp-Rosenberg
Sent: Tuesday, July 17, 2012 10:27 AM
To: 'Baber, Bruce'
Cc: 'Brown, Emily'; Barbara Solomon
Subject: RE: Royal Crown/TCCC (ZERO)
Importance: High

Dear Bruce:

Following up on my email below. Please advise when you are available for a discussion this week. My schedule is flexible.

Regards,
Laura

From: Laura Popp-Rosenberg
Sent: Monday, July 09, 2012 8:17 PM
To: 'Baber, Bruce'
Cc: 'Brown, Emily'
Subject: Royal Crown/TCCC (ZERO)

Dear Bruce:

It looks like it is time to start-up our consolidated oppositions once again. (Of course, if you have any information about an appeal of the AmBev decision that would continue to delay our trial, please let us know.)

We believe that it would be useful for the parties to agree on a schedule for moving forward with the trial, which the parties would then suggest to the TTAB. Looking back over our records, it seems that there are a small number of issues that the parties still need to work out before trial can start, including both parties needing to update certain of their discovery responses and/or document productions.

Laura Popp-Rosenberg

From: Laura Popp-Rosenberg
Sent: Thursday, July 19, 2012 5:39 PM
To: 'Baber, Bruce'
Cc: 'Brown, Emily'; Barbara Solomon
Subject: RE: Royal Crown/TCCC (ZERO)

Dear Bruce:

Just as an FYI, we believe there is a mistake in the schedule the Board issued: the time between TCCC's pretrial disclosures (set for 11/30) and the close of its trial period (set for 12/15) is too short by 30 days. I left a voicemail for the interlocutory attorney.

We can discuss this issue when we have the call I've been trying to schedule.

Regards,
Laura

From: Laura Popp-Rosenberg
Sent: Thursday, July 19, 2012 3:41 PM
To: 'Baber, Bruce'
Cc: 'Brown, Emily'; Barbara Solomon
Subject: RE: Royal Crown/TCCC (ZERO)
Importance: High

Dear Bruce:

As you know, the Board has reinstated the consolidated proceedings between Royal Crown and TCCC. (See attached.) We would still like to speak with you to discuss the open discovery issues and to discuss whether any changes should be made to the Board's schedule.

Please advise me of your availability. I am available any time tomorrow.

Regards,
Laura

From: Laura Popp-Rosenberg
Sent: Tuesday, July 17, 2012 10:27 AM
To: 'Baber, Bruce'
Cc: 'Brown, Emily'; Barbara Solomon
Subject: RE: Royal Crown/TCCC (ZERO)
Importance: High

Dear Bruce:

Following up on my email below. Please advise when you are available for a discussion this week. My schedule is flexible.

Regards,
Laura

EXHIBIT 38

Laura Popp-Rosenberg

From: Laura Popp-Rosenberg
Sent: Monday, August 27, 2012 3:59 PM
To: 'Baber, Bruce'
Subject: RC v. TCCC -- ZERO oppositions
Attachments: RE: RC v TCCC -- Zero Proceedings

Dear Bruce:

As discussed, below my signature is the list of discovery requests that we believe it would be appropriate for TCCC to update or respond to the in the first instance. Should you have any questions or concerns about this list, let's set up a time to discuss in the near future.

Also, to respond to your question, according to my preliminary review, it appears that RC last produced documents on August 27, 2010, corresponding to a final document number of RC 0004335.

And, just fyi, we had previously sent you RC's privilege log on July 6, 2010. (See attached email.)

We look forward to hearing from you soon on extending the trial schedule.

Regards,
Laura

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Discovery items for updating/response from TCCC

Requests for Admission

- Nos. 50 – 51
- No. 68
- Nos. 70 – 98
- No. 101
- Nos. 106 – 113
- Nos. 124 – 125
- Nos. 132 – 137
- Fourth Set of Requests for Admission (recently served)

Note that for Requests for Admission Nos. 85 through 98, we believe that TCCC's original responses were unresponsive.

Document Requests

- Nos. 7 – 9
- Nos. 12 – 19
- Nos. 21 – 22
- Nos. 24 –27
- Nos. 30 – 33
- Nos. 35 – 36
- No. 38

- Third Set of Document Requests (We do not believe TCCC produced responsive documents, except to the extent that documents produced in response to earlier document request sets might also be responsive to the third set.)
- Fourth Set of Document Requests (We do not believe TCCC produced responsive documents, except to the extent that documents produced in response to earlier document request sets might also be responsive to the fourth set.)
- Fifth Set of Document Requests (recently served)

Interrogatories

- No. 8
- No. 9
- No. 10
- No. 11
- No. 12
- No. 13
- No. 14

Privilege Log

- TCCC promised a supplement to its privilege log by email dated May 12, 2010. We have no record of having received it.

EXHIBIT 39

Laura Popp-Rosenberg

From: Baber, Bruce [BBaber@KSLAW.com]
Sent: Tuesday, September 18, 2012 2:36 PM
To: Laura Popp-Rosenberg
Subject: RE: RC v. TCCC -- ZERO oppositions

Laura --

We propose the following:

1. That RC agree to extend for two weeks, to Friday, October 5, our deadline for responding to the new discovery requests you served on August 17.

2. That the schedule be revised so that the discovery period remain closed, and RC's pretrial disclosures are due on December 15, 2012 -- which is about a two and a half month extension and will push the start of your testimony period into early January.

Based on my discussions with my client, we believe we will be able to produce additional documents by Friday, October 19. And in the meantime, we can discuss further the supplementation issues we talked about in our recent call.

If the above is agreeable to RC, can you prepare a joint motion with new dates?

Also, can you send me Word versions of the discovery requests you served on August 17?

Best --

Bruce

Bruce W. Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

From: Laura Popp-Rosenberg [mailto:lpopp-rosenberg@fzlz.com]
Sent: Thursday, September 06, 2012 4:03 PM
To: Baber, Bruce
Subject: RE: RC v. TCCC -- ZERO oppositions

Dear Bruce:

Checking in to see if you've had a chance to come up with a proposal on extending the trial start date.

EXHIBIT 40

Laura Popp-Rosenberg

From: Baber, Bruce [BBaber@KSLAW.com]
Sent: Tuesday, September 18, 2012 6:08 PM
To: Laura Popp-Rosenberg
Subject: RE: RC v. TCCC -- ZERO oppositions

Sorry -- left out a "not" when I was editing.

Should have read "documents responsive to the requests as to which we have **not** produced documents in the past and at least some of the supplementation you have requested."

Apologies for the confusion --

Bruce

Bruce W. Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

From: Laura Popp-Rosenberg [mailto:lpopp-rosenberg@fzlz.com]
Sent: Tuesday, September 18, 2012 6:04 PM
To: Baber, Bruce
Cc: Barbara Solomon
Subject: RE: RC v. TCCC -- ZERO oppositions

Aren't "documents responsive to the requests as to which [TCCC] ha[s] produced documents in the past" and "the supplementation [we] have requested" the same thing? What about documents responsive to the third, fourth or fifth document requests (ignoring solely for purposes of this discussion any objections you may have to those requests)?

From: Baber, Bruce [mailto:BBaber@KSLAW.com]
Sent: Tuesday, September 18, 2012 5:56 PM
To: Laura Popp-Rosenberg
Cc: Barbara Solomon
Subject: RE: RC v. TCCC -- ZERO oppositions

Laura --

Thanks for your message.

We are still considering all of your supplementation requests (as well as the new requests you served). Based on the current status of that review, I expect that we will produce by October 19 documents responsive to the requests as to which we have produced documents in the past and at least some of the supplementation you have requested. As to others, we will likely need some additional discussion.

Bruce

Bruce W. Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

From: Laura Popp-Rosenberg [mailto:lpopp-rosenberg@fzlz.com]
Sent: Tuesday, September 18, 2012 5:50 PM
To: Baber, Bruce
Cc: Barbara Solomon
Subject: RE: RC v. TCCC -- ZERO oppositions

Dear Bruce:

I'd like clarification of the following statements, ". . . we believe we will be able to produce additional documents by Friday, October 19. And in the meantime, we can discuss further the supplementation issues we talked about in our recent call."

Does this mean that your client believes it will be able to produce by October 19 both (i) documents responsive to the third, fourth and fifth set of document requests, for which TCCC has not yet produced any responsive documents; and (ii) documents supplementing its earlier production, as requested in our August 27 email and as required by the Federal Rules of Civil Procedure? Or just category (i)? Or something different?

In general, we are fine both with extending TCCC's deadline by two weeks to respond to the discovery requests and fine with extending the trial schedule so that our client's pre-trial disclosures are due in the second half of December (though after December 15, so that our trial period starts in January not December 30). But first we would like to have clarification as to when TCCC expects to fully complete document production.

Thanks,
Laura

From: Baber, Bruce [mailto:BBaber@KSLAW.com]
Sent: Tuesday, September 18, 2012 2:36 PM
To: Laura Popp-Rosenberg
Subject: RE: RC v. TCCC -- ZERO oppositions

Laura --

We propose the following:

1. That RC agree to extend for two weeks, to Friday, October 5, our deadline for responding to the new discovery requests you served on August 17.

2. That the schedule be revised so that the discovery period remain closed, and RC's pretrial disclosures are due on December 15, 2012 -- which is about a two and a half month extension and will push the start of your testimony period into early January.

EXHIBIT 41

Laura Popp-Rosenberg

From: Laura Popp-Rosenberg
Sent: Tuesday, October 16, 2012 12:53 PM
To: 'Baber, Bruce'
Cc: Giselle C.W. Huron; Barbara Solomon
Subject: ZERO oppositions

Importance: High

Dear Bruce:

We have received TCCC's "responses" to our client's fifth set of document requests and fourth set of requests for admissions. They are wholly deficient. TCCC cannot refuse to respond on the theory that discovery had closed in April 2010 since the Board's July 23, 2012 order specified a new discovery close date and the discovery requests at issue were served within the discovery period. I also find the failure to respond in substance to these requests particularly egregious in light of your multiple requests for an extension of time to respond.

Please let me know a date this week when you are available for a meet-and-confer on this issue, as we plan to file an immediate motion to compel unless TCCC agrees to provide substantive responses by no later than October 22, 2012.

Regards,
Laura

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EXHIBIT 42

Laura Popp-Rosenberg

From: Baber, Bruce [BBaber@KSLAW.com]
Sent: Wednesday, October 24, 2012 6:50 PM
To: Laura Popp-Rosenberg
Subject: ZERO oppositions

Laura --

Further to our conversation on Monday, below is a summary of what we are prepared to provide in connection with the discovery requests served by RC in August, if RC agrees that such production will be in lieu of service of formal responses to the requests.

In response to the document requests, we will voluntarily produce to RC, notwithstanding our objections to the requests:

(1) for HONEST ZERO products, documents identifying the products on or in connection with which the HONEST ZERO mark is used, and nutrition information and exemplary advertising materials for those products;

(2) for vitaminwater zero products, documents identifying the products on or in connection with which the vitaminwater zero mark is used, and press releases, nutrition information, exemplary advertising materials, sales summary data and marketing spend summary data for those products; and

(3) for the "ABA Advertising Campaign" materials, any documents we can identify regarding those materials.

We believe that the foregoing would be consistent with our prior discovery responses and the scope of the document productions we have previously made.

In response to the requests for admissions, we are prepared to work with you on a stipulation that would accurately reflect (a) whether the appropriate individuals within TCCC, i.e., those individuals charged with responsibility for taking action with respect to TCCC's marks, are or were aware of the "new" third party uses you have identified in the requests; (b) whether those individuals have or have had specific information regarding whether any of those marks were used in commerce, or regarding the scope, extent, nature or duration of any such use; and (c) whether TCCC has communicated any objection to the users of those marks or initiated any litigation with respect to such uses. We also are willing to work with you on a stipulation regarding the "ABA Advertising Campaign" materials, once we have sufficient information regarding those materials.

I will look forward to receiving your thoughts regarding the above proposals at your early convenience.

Best regards --

Bruce

Bruce W. Baber
King & Spalding LLP

212-827-4079 (New York)
404-572-4826 (Atlanta)

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EXHIBIT 43

Laura Popp-Rosenberg

From: Laura Popp-Rosenberg
Sent: Monday, November 19, 2012 7:47 PM
To: 'Baber, Bruce'
Cc: Barbara Solomon
Subject: ZERO Oppositions

Dear Bruce:

We write with respect to TCCC's continuing failure to satisfy its discovery obligations, as more fully set forth below. We have attempted to work with you and your client on these issues for months, and believe that the time has come for Board intervention. We therefore intend to move forward with a motion to compel, and intend to file the motion by next week. Although we believe that we have fulfilled our obligation to meet-and-confer with you on these issues and that further discussions are unlikely to be productive, we are available to discuss these issues with you further if you would like to do so. I will be in tomorrow and Wednesday, but out Thursday and likely Friday.

TCCC's Failure to Respond to Discovery Requests Dated August 17, 2012
As you know, we disagree with your contention that our August 17, 2012 discovery requests were served out of time and your theory that the Board's July 23, 2012 order mistakenly provided a new discovery close date. We have considered your offer, as set forth in your email dated October 24, 2012, to provide a limited set of information in lieu of discovery requests. Your offer does not go far enough since it does not fully respond to the substance of our requests, and therefore we do not accept it. We intend to move to compel full responses.

TCCC's Failure to Produce Documents in Response to Requests Dated January 14, 2010 and February 23, 2010
TCCC has not produced any documents in response to these requests. We have been very patient on this, but you never meet the deadlines you yourself set for producing documents.

TCCC's Failure to Supplement its Discovery Responses, including Document Production
TCCC has failed to supplement any of its discovery responses. Given our client's approaching trial deadline, we cannot wait any longer.

TCCC's Failure to Adequately Respond to Multiple Discovery Requests
Separate and apart from TCCC's failure to supplement its discovery responses, we do not believe that TCCC has adequately responded to certain discovery requests, as follows:

1. Documents concerning consumer understanding or perception of the term ZERO when used in connection with beverages. (Document Request Nos. 8, 9, 14-19).
2. Documents concerning advertising for TCCC's products with ZERO in the name. (Document Request Nos. 11- 13, 26, 39-46, 53-55, 63)
3. Trademark searches (Document Request Nos. 20, 21)
4. Third-party use of the term ZERO in connection with beverages (Document Request Nos. 22, 48)
5. Documents concerning the development and selection of TCCC's marks at issue (Document Request Nos. 24, 30, 31)
6. Documents supporting allegations in TCCC's Notice of Opposition (Document Request Nos. 36, 37)
7. Foreign decisions regarding the protectability of the term ZERO (Document Request No. 47)
8. First use date of each of TCCC's marks at issue (Document Request Nos. 56, 57)

TCCC's objections to the above-referenced discovery requests and TCCC's limited production in response thereto lead us to believe that TCCC is improperly withholding documents. We intend to move to compel full responses.

DPSU reserves the right to further object to TCCC's discovery responses in this proceeding.

Regards,
Laura

Laura Popp-Rosenberg | Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza | New York, New York 10017
T: (212) 813-5943 | F: (212) 813-5901 | www.frosszelnick.com

EXHIBIT 44

Laura Popp-Rosenberg

From: Baber, Bruce [BBaber@KSLAW.com]
Sent: Tuesday, November 27, 2012 11:58 AM
To: Laura Popp-Rosenberg
Subject: RE: ZERO Oppositions

Laura --

Thanks for your message. I have been out of the office and am traveling today and tomorrow, but can have a call to discuss these issues on Friday. I note that you raise in your message at least some items as to which I don't believe we have had any discussion (those in the fourth group), and would like to at least understand what the issues are that you intend to raise.

Bruce

Bruce W. Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

From: Laura Popp-Rosenberg [mailto:lpopp-rosenberg@fzlz.com]
Sent: Monday, November 19, 2012 7:47 PM
To: Baber, Bruce
Cc: Barbara Solomon
Subject: ZERO Oppositions

Dear Bruce:

We write with respect to TCCC's continuing failure to satisfy its discovery obligations, as more fully set forth below. We have attempted to work with you and your client on these issues for months, and believe that the time has come for Board intervention. We therefore intend to move forward with a motion to compel, and intend to file the motion by next week. Although we believe that we have fulfilled our obligation to meet-and-confer with you on these issues and that further discussions are unlikely to be productive, we are available to discuss these issues with you further if you would like to do so. I will be in tomorrow and Wednesday, but out Thursday and likely Friday.

<u>TCCC's Failure to Respond to Discovery Requests Dated August 17, 2012</u>
As you know, we disagree with your contention that our August 17, 2012 discovery requests were served out of time and your theory that the Board's July 23, 2012 order mistakenly provided a new discovery close date. We have considered your offer, as set forth in your email dated October 24, 2012, to provide a limited set of information in lieu of discovery requests. Your offer does not go far enough since it does not fully respond to the substance of our requests, and therefore we do not accept it. We intend to move to compel full responses.

<u>TCCC's Failure to Produce Documents in Response to Requests Dated January 14, 2010 and February 23, 2010</u>

EXHIBIT 45

Laura Popp-Rosenberg

From: Laura Popp-Rosenberg
Sent: Tuesday, November 27, 2012 6:30 PM
To: 'Baber, Bruce'
Subject: RE: ZERO Oppositions

Dear Bruce:

I am available to speak on Friday at any time. However, I cannot promise that we will not file our motion to compel before that time.

Let me know when you want to speak.

Regards,
Laura

From: Baber, Bruce [mailto:BBaber@KSLAW.com]
Sent: Tuesday, November 27, 2012 11:58 AM
To: Laura Popp-Rosenberg
Subject: RE: ZERO Oppositions

Laura --

Thanks for your message. I have been out of the office and am traveling today and tomorrow, but can have a call to discuss these issues on Friday. I note that you raise in your message at least some items as to which I don't believe we have had any discussion (those in the fourth group), and would like to at least understand what the issues are that you intend to raise.

Bruce

Bruce W. Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

From: Laura Popp-Rosenberg [mailto:lpopp-rosenberg@fzlz.com]
Sent: Monday, November 19, 2012 7:47 PM
To: Baber, Bruce
Cc: Barbara Solomon
Subject: ZERO Oppositions

Dear Bruce:

We write with respect to TCCC's continuing failure to satisfy its discovery obligations, as more fully set forth below. We have attempted to work with you and your client on these issues for months, and believe that the