

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

wbc

Mailed: June 12, 2013

Opposition Nos. 91178927
91180771
91180772
91183482
91185755
91186579
91189847
91190658

Royal Crown Company, Inc.
and Dr. Pepper/Seven Up,
Inc.

v.

The Coca-Cola Company

Opposition No. 91184434

The Coca-Cola Company

v.

Royal Crown Company, Inc.
and Dr. Pepper/Seven Up,
Inc.

Wendy Boldt Cohen, Interlocutory Attorney:

Per Board order of March 15, 2013, the Board convened a telephone call between the parties as Royal Crown Company, Inc. and Dr. Pepper/Seven Up, Inc. ("RC") sought leave of the Board to file a second motion to compel supplemental responses to certain of its prior served

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document requests. Participating in the call were Laura Popp-Rosenberg, counsel for RC, Bruce Baber, counsel for The Coca-Cola Company ("CC") and Wendy Boldt Cohen, Board interlocutory attorney. The Board assumes the parties' familiarity with the proceedings and facts discussed in the phone call and does not recount them here.

During the call, the Board reminded the parties that a motion to compel supplemental discovery responses is not necessary as a duty exists under Fed. R. Civ. P. 26(e). The parties were further reminded that if a party fails to disclose properly discoverable information and documents during discovery, may, upon objection, be precluded from relying upon such information and documents as evidence. Fed. R. Civ. P. 37(c)(1).

After consideration of the relevant facts and inasmuch as the parties indicated supplemental discovery responses were received by RC the morning of and prior to the Board's conference call,¹ RC's request for leave of the Board to file a second motion to compel is denied.

Dates remain as previously set.

¹The parties, nonetheless, requested the Board convene the telephone conference. The parties are well aware but are hereby reminded of the obligation under Trademark Rule 2.120(e) to make a good faith effort to resolve discovery disputes before seeking Board intervention.

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In each instance, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.