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

Mailed: October 17, 2008

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

Royal Crown Company, Inc.

v.

The Coca-Cola Company

and

Opposition No. 91184434

The Coca-Cola Company

v.

Royal Crown Company

Cheryl Goodman, Interlocutory Attorney:

On September 26, 2008, opposer advised the Board of a related opposition filed involving other "zero" marks (Vanilla Coca-Cola Zero, Fanta Zero and Powerade Zero). The proceeding number is Opposition No. 91186579. The Board also notes that the parties are involved in related proceedings involving other "zero" marks, Opposition Nos. 91184434 and Opposition Nos. 91185755.

The Board finds it appropriate to consolidate these proceedings with the already consolidated opposition

proceedings. In view thereof, Opposition nos. 91184434, 91185755, and 91186579 are hereby consolidated with Opposition Nos. 91178927, 91180771, 91180772, and 91183482. The record will be maintained in the "parent case" Opposition No. 91178927, but all papers filed in the consolidated proceeding should identify all proceeding numbers in ascending order. Although Opposition Nos. 91184434, 91185755 and 91186579 retain their separate character, as a consolidated case, they may be presented on the same record and briefs.

If the parties are involved in other related proceedings, the parties should notify the Board so that consolidation of those cases with the already consolidated proceedings may be considered.

The Board notes that issue is not yet joined in Opposition No. 91186579. The answer should be filed in Opposition No. 91186579, but as stated above, all other papers should be filed in the parent case, Opposition No. 91178927.

In accordance with the Board's practice, the Board will adopt the trial schedule in Opposition No. 91186579, the most junior proceeding, but with a few exceptions. The parties are advised that they must provide initial disclosures for Opposition No. 91184434 on October 26, 2008, in accordance with the most recent trial schedule, and

proceed to their discovery conference on October 22, 2008 with respect to Opposition No. 91185755.

Because this proceeding now includes an opposition with the position of the parties reversed, the parties are advised that ESTTA consent form motions to extend are not available, and all motions to extend should be filed as a general motion, with appropriate dates set forth.

The schedule in the consolidated proceeding is as follows:

Discovery conference Opposition No. 91185755	October 22, 2008
Initial Disclosures Due Opposition No. 91184434	October 26, 2008
Deadline for Discovery Conference Opposition No. 91186579	December 4, 2008
Initial Disclosures Due Opposition Nos. 91185755 and 91186579	January 3, 2009
Expert Disclosures Due	May 3, 2009
Discovery Closes	June 2, 2009
Plaintiff in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755 and 91186579 Pretrial Disclosures	July 17, 2009
30-day testimony period for plaintiff in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755 and 91186579 testimony to close	August 31, 2009
Defendant in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755 and 91186579 and Plaintiff in Opposition No. 91184434 Pretrial Disclosures	September 15, 2009

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

30-day testimony period for defendant in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755 and 91186579 and as plaintiff in Opposition No. 91184434 to close	October 30, 2009
Defendant in Opposition No. 91184434 and Plaintiff in Opposition Nos. 91178927, 91180771, 91180772, and 91183482, 91185755 and 91186579 Rebuttal Disclosures Due	November 14, 2009
30-day testimony period for defendant in Opposition No. 91184434 and rebuttal testimony for plaintiff in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755 and 91186579 to close	December 29, 2009
Plaintiff in Opposition No. 91184434 Rebuttal Disclosures Due	January 13, 2010
15-day rebuttal period for plaintiff in Opposition No. 91184434 to close	February 12, 2010
Brief for plaintiff in Opposition Nos. 91178927, 91180771, 91180772, and 91183482, 91185755 and 91186579 due	April 13, 2010
Brief for defendant in Opposition Nos. 91178927, 91180771, 91180772, and 91183482, 91185755 and 91186579 and brief for plaintiff in Opposition No. 91184434 due	May 13, 2010
Brief for defendant in Opposition No. 91184434 and reply brief, if any, for plaintiff in Opposition Nos. 91178927, 91180771, 91180772, and 91183482 91185755, and 91186579 due	June 12, 2010
Reply brief, if any, for plaintiff in Opposition No. 91184434 due	June 27, 2010

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.

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The USPTO published a notice of final rulemaking in the Federal Register on August 1, 2007, at 72 F.R. 42242. By this notice, various rules governing Trademark Trial and Appeal Board inter partes proceedings are amended. Certain amendments have an effective date of August 31, 2007, while most have an effective date of November 1, 2007. For further information, the parties are referred to a reprint of the final rule and a chart summarizing the affected rules, their changes, and effective dates, both viewable on the USPTO website via these web addresses:
http://www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf
http://www.uspto.gov/web/offices/com/sol/notices/72fr42242_FinalRuleChart.pdf

By one rule change effective August 31, 2007, the Board's standard protective order is made applicable to all TTAB inter partes cases, whether already pending or commenced on or after that date. However, as explained in the final rule and chart, this change will not affect any case in which any protective order has already been approved or imposed by the Board. Further, as explained in the final rule, parties are free to agree to a substitute protective order or to supplement or amend the standard order even after August 31, 2007, subject to Board approval. The standard protective order can be viewed using the following web address:
http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm