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

Proceeding	91178927
Party	Defendant The Coca-Cola Company
Correspondence Address	BRUCE W BABER KING & SPALDING LLP 1180 PEACHTREE STREET ATLANTA, GA 30309 UNITED STATES bbaber@kslaw.com, ebrown@kslaw.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Bruce W. Baber
Filer's e-mail	bbaber@kslaw.com, ebrown@kslaw.com
Signature	/Bruce W. Baber/
Date	10/15/2013
Attachments	2013.10.15 Stipulated Motion.pdf(28242 bytes)

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

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

— and —

-----X		
THE COCA-COLA COMPANY,	:	
	:	
Opposer,	:	
	:	
- against -	:	Opposition No. 91184434
	:	
ROYAL CROWN COMPANY, INC.	:	
and DR PEPPER/SEVEN UP, INC.,	:	
	:	
Applicants.	:	
-----X		

STIPULATED MOTION TO EXTEND TRIAL DATES

Counsel for Royal Crown Company, Inc. and Dr Pepper/Seven Up, Inc. (together, “DPSU”) and counsel for The Coca-Cola Company (“TCCC”) hereby jointly submit this Stipulated Motion to Extend Trial Dates, seeking a 10-day extension of the current schedule as requested herein to accommodate the rescheduling of the testimony deposition of Dr. Alex Simonson.

On September 20, 2013, TCCC served on DPSU its notice that TCCC would take the testimonial deposition of Dr. Alex Simonson, TCCC's expert witness, on Monday, October 14, 2013. On Thursday, October 3, 2013, DPSU advised TCCC that DPSU objected to the taking of Dr. Simonson's deposition on October 14. In order to address and resolve the objection raised by DPSU, TCCC agreed to reschedule the deposition and the parties agreed to extend the trial schedule to accommodate the rescheduling. Dr. Simonson's deposition has now been rescheduled for Thursday, October 24, 2013.

To accommodate this rescheduling, the parties have agreed to extend TCCC's testimony period until October 25, 2013 for the sole and limited purpose of allowing TCCC to take the deposition of Dr. Simonson on October 24. All other testimony and evidence to be offered by TCCC during its opening testimony period shall be completed by October 15, 2013. The extension requested herein is similar to the extension previously requested by the parties during DSPU's opening testimony period, as reflected in the parties' Stipulated Motion filed on July 23, 2013 and approved by the Board in its order dated August 7, 2013.

For the reasons set forth above, the parties jointly seek a 10-day extension of TCCC's testimony period as requested herein and of all the remaining dates in these consolidated proceedings, and jointly stipulate to and respectfully request the Board to approve and enter the following schedule:

	Deadline under August 7 Order	New Deadline
30-day testimony period for defendant in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658 and plaintiff in Opposition No. 91184434 to close for all purposes other than the deposition of Dr. Alex Simonson	October 15, 2013	October 15, 2013
30-day testimony period for defendant in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658 and plaintiff in Opposition No. 91184434 to close, solely with respect to the deposition of Dr. Alex Simonson	October 15, 2013	October 25, 2013
Defendant in Opposition No. 91184434 Pretrial disclosures due and Plaintiff in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658 Rebuttal Disclosures Due	October 30, 2013	November 9, 2013
30-day testimony period for defendant in Opposition No. 91184434 and rebuttal testimony for plaintiff in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658 to close	December 14, 2013	December 24, 2013
Plaintiff in Opposition No. 91184434 Rebuttal Disclosures Due	December 29, 2013	January 8, 2014
15-day rebuttal period for plaintiff in Opposition No. 91184434 to close	January 28, 2014	February 7, 2014
Brief for plaintiff in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658 due	March 29, 2014	April 8, 2014
Brief for defendant in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658 and as plaintiff in Opposition No. 91184434 due	April 28, 2014	May 8, 2014

	Deadline under August 7 Order	New Deadline
Brief for defendant in the Opposition No. 91184434 and reply brief, if any, for plaintiff in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658 due	May 28, 2014	June 7, 2014
Reply brief, if any, for plaintiff in Opposition No. 91184434, due	June 12, 2014	June 22, 2014

Respectfully submitted,

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

Dated: October 15, 2013

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

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

KING & SPALDING LLP

Dated: October 15, 2013

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

Attorneys for The Coca-Cola Company

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused a true and correct copy of the foregoing **Stipulated Motion to Extend Trial Dates** to be forwarded by electronic mail to lpopp-rosenberg@fzlz.com and deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to counsel for Royal Crown Company, Inc. and Dr Pepper/Seven Up, Inc. as follows:

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

This 15th day of October, 2013.

/Bruce W. Baber/
Bruce W. Baber