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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	Defendant's Notice of Reliance
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Signature	/Emily B. Brown/
Date	10/15/2013
Attachments	TCCC Notice of Reliance - RC Witnesses.pdf(756615 bytes)

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

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

– and –

THE COCA-COLA COMPANY,)	
)	
Opposer,)	
)	
v.	)	OPPOSITION NO. 91184434
)	
ROYAL CROWN COMPANY, INC.)	
and DR. PEPPER/SEVEN UP, INC.,)	
)	
Applicants.)	

THE COCA-COLA COMPANY'S NOTICE OF RELIANCE ON THE
DISCOVERY DEPOSITIONS OF ROYAL CROWN COMPANY, INC.
AND DR. PEPPER/SEVEN UP, INC. WITNESSES

The Coca-Cola Company ("TCCC"), by and through its undersigned counsel and pursuant to and in accordance with Rules 2.120 and 2.122 of the Trademark Rules of Practice, hereby serves notice that it will rely on the documents listed and identified below in connection with the above-captioned proceedings.

Discovery Depositions

1. Portions, identified below, of the discovery deposition of Andrew David Springate of Dr. Pepper Snapple Group, taken on June 19, 2008. TCCC identifies these portions to show the selection, adoption and use by Royal Crown Company, Inc. and Dr. Pepper/Seven Up, Inc. (collectively, "RC") of the marks DIET RITE PURE ZERO and PURE ZERO; lack of significant third party use of "zero" for beverage products; and the likelihood of confusion between RC's DIET RITE PURE ZERO and PURE ZERO marks and TCCC's marks that include ZERO for beverages. The portions are attached as TCCC Exhibit 200.

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page 8, lines 7-25

page 9, lines 2-6

page 18, lines 18-23

page 54, lines 9-25

page 55, line 2-24

page 56, lines 2-25

page 57, lines 2-3, 9-12

page 63, lines 10-23

page 64 lines, 6-8

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page 74, lines 3-9
page 77, lines 9-16
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page 95, lines 2-8, 12-15
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page 101, lines 6-25
page 102, lines 22-25
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page 108, lines 23-25
page 109, lines 2-4, 8
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page 140, lines 2-16
page 143, lines 11-25
page 144, lines 2-4
page 145, lines 12-25
page 146, lines 2-5
page 148, lines 25
page 149, lines 2-7
page 152, lines 4-8, 21-25 (Exhibit 2)

page 153
page 154, lines 2-11
page 155, lines 7-15
page 156, lines 4-13
page 161, lines 12-25
page 162
page 163, lines 2-5
page 164, lines 11-15
page 172, lines 6-9, 16-25
page 173, lines 2-16
page 180, lines 3-9 (Exhibit 3)
page 181, lines 2-15

2. Portions, identified below, of the discovery deposition of Russell Schleiden of Dr. Pepper Snapple Group, taken on April 7, 2010. TCCC identifies these portions to show RC's selection, adoption and use of the marks DIET RITE PURE ZERO and PURE ZERO; lack of significant third party use of "zero" for beverage products; and the likelihood of confusion between RC's DIET RITE PURE ZERO and PURE ZERO marks and TCCC's marks that include ZERO for beverages. The portions are attached as TCCC Exhibit 201.

page 4, lines 18-20, 23-25
page 5, lines 1-5, 20-25
page 6, lines 1, 6-18
page 8, lines 23-25
page 9, lines 1-10, 14

page 11, lines 13-17, 25
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page 13, lines 1-4, 14-17
page 24, lines 3-6, 18-25
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page 61, lines 8-19
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page 67, line 20-25

page 68, lines 1-14, 21-24

page 69, lines 6-8

page 70, lines 1-11

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page 95, lines 4-24

3. Portions, identified below, of the discovery deposition of Tony Jacobs of Dr. Pepper Snapple Group, taken on April 7, 2010. TCCC identifies these portions to show RC's selection, adoption and use of the marks DIET RITE PURE ZERO and PURE ZERO; lack of significant third party use of "zero" for beverage products; and the likelihood of confusion between RC's DIET RITE PURE ZERO and PURE ZERO marks and TCCC's marks that include ZERO for beverages. The portions are attached as TCCC Exhibit 202.

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page 6, lines 6-16

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page 108, lines 1-6
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page 110, lines 1-8

page 131, lines 22-25 (Exhibit 8)

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page 133, lines 1-7

page 141, lines 9-11, 18-25 (Exhibit 12)

page 142, lines 1-2, 16-25

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page 144, lines 1-21

page 146, lines 9-22

page 160, lines 10-20

The depositions of Messrs. Springate, Schleiden and Jacobs have been designated confidential in accordance with the Protective Order entered in these proceedings. The portions identified above are therefore submitted under seal in accordance with the Protective Order.

Dated: October 15, 2013

Respectfully submitted,

KING & SPALDING LLP

A handwritten signature in blue ink, appearing to be "Emily B. Brown", written over a horizontal line.

Bruce W. Baber
Emily B. Brown

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Atlanta, Georgia 30309
Telephone: (404) 572-4600
Facsimile: (404) 572-5145

Attorneys for Applicant
THE COCA-COLA COMPANY

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ROYAL CROWN COMPANY, INC.)	
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Applicants.)	

TCCC EXHIBIT 200
CONFIDENTIAL
FILED UNDER SEAL

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TCCC EXHIBIT 202
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CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing The Coca-Cola Company's Notice of Reliance on the Discovery Depositions of Royal Crown Company, Inc. and Dr. Pepper/Seven Up, Inc. Witnesses upon opposers and applicants Royal Crown Company, Inc. and Dr. Pepper/Seven Up, Inc. by causing a true and correct copy thereof to be deposited in the United States mail, addressed to counsel of record 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.



Emily B. Brown