

ESTTA Tracking number: **ESTTA586198**

Filing date: **02/07/2014**

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
Filer's Name	Emily B. Brown
Filer's e-mail	ebrown@kslaw.com, bbaber@kslaw.com, nytrademarks@kslaw.com
Signature	/Emily B. Brown/
Date	02/07/2014
Attachments	TCCC's Second Notice of Reliance (Depositions of TCCC witnesses).pdf(16151 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 SECOND NOTICE OF RELIANCE
ON ADDITIONAL PORTIONS OF DISCOVERY DEPOSITIONS OF
THE COCA-COLA COMPANY 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. Additional portions, identified below, of the discovery deposition of William Herbert Gray, IV of TCCC, taken on May 28, 2008.

Royal Crown Company, Inc. and Dr. Pepper/Seven Up, Inc. (collectively, "RC") identified only portions of the referenced deposition in "Opposers' Second Notice of Reliance on Deposition Testimony," which RC filed on December 23, 2013. TCCC identifies additional portions of the referenced deposition which should be considered so that the portions offered by RC are not misleading.

The additional portions are attached as TCCC Exhibit 305.

page 63 -- lines 23-25
page 64 -- lines 1-2; 14-22
page 88 -- lines 16-25
page 105 -- lines 11-25: Trade Secret / Commercially Sensitive
page 106 -- lines 11-17
page 107 -- lines 1-16: Trade Secret / Commercially Sensitive
page 123 -- lines 9-22

2. Additional portions, identified below, of the discovery deposition of Russell W. Baker of TCCC, taken on May 28 and 29, 2008.

RC identified only portions of the referenced deposition in "Opposers' Second Notice of Reliance on Deposition Testimony," which RC filed on December 23, 2013. TCCC identifies additional portions of the referenced deposition which should be considered so that the portions offered by RC are not misleading.

The additional portions are attached as TCCC Exhibit 306.

May 29, 2008:

page 165 -- lines 22-25: Highly Confidential
page 166 -- lines 1-3: Highly Confidential
page 230 -- lines 5-25
page 231 -- line 1

3. Additional portions, identified below, of the discovery deposition of Maurice Cooper, II of TCCC, taken on May 29, 2008.

RC identified only portions of the referenced deposition in "Opposers' Second Notice of Reliance on Deposition Testimony," which RC filed on December 23, 2013. TCCC identifies additional portions of the referenced deposition which should be considered so that the portions offered by RC are not misleading.

The additional portions are attached as TCCC Exhibit 307.

page 31 -- lines 8-18

page 46 -- lines 13-25

page 47 -- Trade Secret / Commercially Sensitive

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

Dated: February 7, 2014

Respectfully submitted,

KING & SPALDING LLP

/Emily B. Brown/

Bruce W. Baber
Emily B. Brown

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Attorneys for Applicant
THE COCA-COLA COMPANY

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ROYAL CROWN COMPANY, INC.)	
and DR. PEPPER/SEVEN UP, INC.,)	
)	
Applicants.)	

**TCCC EXHIBIT 305
CONFIDENTIAL
FILED UNDER SEAL**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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ROYAL CROWN COMPANY, INC.)	<u>Consolidated Proceedings:</u>
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Applicants.)	

**TCCC EXHIBIT 306
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Applicants.)	

**TCCC EXHIBIT 307
CONFIDENTIAL
FILED UNDER SEAL**

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing The Coca-Cola Company's Second Notice of Reliance on Additional Portions of Discovery Depositions of The Coca-Cola Company 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 7th day of February, 2014.

/Emily B. Brown/

Emily B. Brown