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

Proceeding	91178927
Party	Plaintiff Royal Crown Company, Inc.
Correspondence Address	Barbara A. Solomon Fross Zelnick Lehrman & Zissu, P.C. 866 United Nations Plaza New York, NY 10017 UNITED STATES lpopp-rosenberg@fzlz.com,bsolomon@fzlz.com
Submission	Other Motions/Papers
Filer's Name	Laura Popp-Rosenberg
Filer's e-mail	lpopp-rosenberg@frosszelnick.com,bsolomon@frosszelnick.com,mortiz@fzlz.com
Signature	/Laura Popp-Rosenberg/
Date	08/21/2009
Attachments	Part 1 Declaration in Support of Motion to Compel (with exhibits) (F0503710).pdf (114 pages)(4081733 bytes) Part 2 Declaration in Support of Motion to Compel (with exhibits) (F0503710).pdf (114 pages)(4225095 bytes)

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

ROYAL CROWN COMPANY, INC.,	:	**Consolidated Proceedings**
	:	Opposition No. 91178927
Opposer,	:	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

—and—

THE COCA-COLA COMPANY,	:	
	:	
Opposer,	:	
	:	
- against -	:	Opposition No. 91184434
	:	
ROYAL CROWN COMPANY, INC.,	:	
	:	
Applicant.	:	

DECLARATION OF LAURA POPP-ROSENBERG
IN SUPPORT OF ROYAL CROWN'S
MOTION TO COMPEL AND MOTION TO EXTEND TIME

I, Laura Popp-Rosenberg, hereby declare under penalty of perjury:

1. I am an attorney with Fross Zelnick Lehrman & Zissu, P.C., attorneys for opposer and applicant Royal Crown Company, Inc. ("Royal Crown") in the above-captioned consolidated proceedings. I submit this declaration in support of Royal Crown's Motion to Compel. I make this declaration based on personal knowledge of the facts and circumstances set forth herein.

2. On February 13, 2009, Royal Crown served on TCCC Royal Crown's Second Set of Discovery Requests for the Production of Documents and Things to The Coca-Cola Company

("Second Document Requests"). A true and correct copy of the Document Requests is attached hereto as **Exhibit 1**.

3. On February 18, 2009, Royal Crown served on TCCC Royal Crown's Second Set of Requests for Admission ("Second Requests for Admission") and Royal Crown's Second Set of Interrogatories to The Coca-Cola Company ("Second Interrogatories"). A true and correct copy of the Second Interrogatories is attached hereto as **Exhibit 2**.

4. Pursuant to the applicable rules, TCCC's deadline to respond to the Second Document Requests was March 20, 2009, and its deadline to respond to the Second Requests for Admission and Second Interrogatories was March 25, 2009.

5. On March 17, 2009, counsel for TCCC sent me an email requesting an extension of time through Monday, April 6, 2009 to respond to the outstanding discovery requests. My colleague, Barbara Solomon, sent TCCC's counsel an email on March 19, 2009, consenting to TCCC's requested extension on the condition that TCCC produce responsive documents at the same time it served its written responses. A true and correct copy of the relevant email correspondence is attached hereto as **Exhibit 3**.

6. Without further communication on the requested extension, TCCC served its responses to Royal Crown's second set of discovery requests on the original deadlines without producing any documents. However, in response to *all* of the 15 requests, TCCC indicated that responsive documents would be produced. A true and correct copy of the Responses of the Coca-Cola Company to Royal Crown's Second Set of Requests for the Production of Documents and Things and Responses of The Coca-Cola Company to Royal Crown's Second Set of Interrogatories are attached hereto as **Exhibits 4** and **5**, respectively. (TCCC's responses to the Second Requests for Admission are not at issue in this motion.)

7. On March 24, 2009, I sent counsel for TCCC an email advising that Royal Crown disagreed with almost all of TCCC's objections to the Second Document Requests, but that Royal Crown could not properly evaluate TCCC's written responses until TCCC had made its responsive document production. Royal Crown requested that TCCC advise when it intended to produce responsive documents. A true and correct copy of my March 24, 2009 email is attached hereto as **Exhibit 6**.

8. A week later, on March 30, 2009, counsel for TCCC responded to my March 24, 2009 email stating that he would meet with his client at the end of the week – i.e., by April 3, 2009 – and would thereafter advise me as to the timing of TCCC's document production. A true and correct copy of TCCC's counsel's March 30, 2009 email is attached hereto as **Exhibit 7**.

9. After hearing nothing from TCCC's counsel by April 3, 2009, I sent TCCC's counsel an email on April 7, 2009 requesting an update on the intended timing of TCCC's document production. A true and correct copy of my April 7, 2009 email is attached hereto as **Exhibit 8**.

10. After TCCC's counsel failed to respond to my April 7, 2009 email, I sent TCCC's counsel another email, on April 23, 2009, again requesting him to advise as to the timing of TCCC's required document production. A true and correct copy of my April 23, 2009 email is attached hereto as **Exhibit 9**. That email also went unanswered.

11. Thereafter, on May 18, 2009, I sent TCCC's counsel another email reminding TCCC that its documents in response to Royal Crown Second Document Requests served in February 2009 were long overdue, and requesting a meet-and-confer to discuss TCCC's discovery deficiencies. A true and correct copy of my May 18, 2009 email is attached hereto as **Exhibit 10**.

12. TCCC's counsel responded the same day, stating that it did not believe it was required to produce documents because the proceedings had been suspended on March 30, 2009 – *after* TCCC's discovery responses were due – pending a decision on Royal Crown's motion to amend the pleadings in the consolidated opposition. A true and correct copy of TCCC's counsel's May 18, 2009 email is attached hereto as **Exhibit 11**.

13. On the same day, I responded to TCCC's counsel's email stating that the suspension of the proceedings did not suspend TCCC's outstanding discovery obligations. I initially requested that TCCC's counsel designate a time on May 25, 2009 to hold a teleconference to discuss the issue, but subsequently proposed June 1, 2009 for a conference call. True and correct copies of my May 18 and May 20, 2009 emails concerning the proposed teleconference are attached hereto as **Exhibits 12** and **13**, respectively.

14. TCCC's counsel never to my request for a teleconference on June 1, 2009.

15. On June 4, 2009, I again emailed TCCC's counsel requesting a teleconference to discuss TCCC's continuing discovery deficiencies. A true and correct copy of my June 4, 2009 email is attached hereto as **Exhibit 14**.

16. On June 5, 2009, counsel for the parties finally held a teleconference to discuss TCCC's discovery deficiencies. During that teleconference, TCCC advised that it would produce all responsive documents by the following week.

17. Later on June 5, 2009, I sent TCCC's counsel an email requesting TCCC to supplement its written discovery responses and document production to all previously served discovery requests. This request was made at the behest of TCCC, which has taken the position in the proceedings that it is not required to supplement previous responses to discovery requests without a specific request to do so from Royal Crown. A true and correct copy of my June 5,

2009 email is attached hereto as **Exhibit 15**. TCCC's counsel did not respond to this request, and has never supplemented its responses to the first set of discovery requests, served in February and April 2008, or the second set of discovery requests, served in February 2009. True and correct copies of Royal Crowns first set of discovery requests, consisting of interrogatories, document requests and requests for admission, are attached hereto as **Exhibits 16, 17** and **18**, respectively. True and correct copies of TCCC's responses to the first sets of document requests, interrogatories and requests for admission are attached hereto as **Exhibits 19, 20** and **21**, respectively.

18. TCCC finally mailed documents in response to Royal Crown's February 13, 2009 Second Document Requests to me on June 12, 2009.

19. I reviewed TCCC's June 12, 2009 document production and found that it was deficient and did not satisfy TCCC's obligations with respect to the second set of discovery requests. Therefore, on June 25, 2009, I sent TCCC's counsel a detailed letter ("Deficiency Letter") specifying TCCC's deficiencies, including deficiencies in its written responses to the Second Document Requests, deficiencies in its production in response to the Second Document Requests, and deficiencies in its written responses to the Second Interrogatories. My June 25, 2009 letter requested a teleconference during the week of June 29, 2009 to discuss the noted deficiencies. A true and correct copy of my June 25, 2009 deficiency letter is attached hereto as **Exhibit 22**.

20. When TCCC's counsel did not respond to my request to schedule a teleconference during the week of June 29, 2009, I called TCCC's counsel on June 29, 2009 and left a voice mail suggesting a teleconference on Tuesday, June 30, 2009. After numerous attempts to schedule the conference, it finally was held on July 8, 2009.

21. During the teleconference, counsel agreed to the following with respect to the issues raised in the June 25 Deficiency Letter:

(a) Privilege Log: TCCC would produce a privilege log by July 22, 2009.

(b) Document Request No. 24: TCCC would check again for documents responsive to Document Request No. 24 and would produce additional documents, if any, by July 17, 2009.

(c) Document Request No. 25: TCCC would produce additional documents responsive to Document Request No. 25 concerning 2009 sales at the close of discovery.

(d) Document Request No. 26: TCCC would check again for documents responsive to Document Request No. 26, in particular with respect to documents related to FULL THROTTLE ZERO, and would produce additional responsive documents, if any, by July 17, 2009.

(e) Document Request No. 27: TCCC would produce additional documents responsive to Document Request No. 27 concerning 2009 marketing expenditures at the close of discovery.

(f) Document Request No. 28: TCCC would produce a privilege log by July 22, 2009 identifying responsive but privileged documents.

(g) Document Request No. 29: TCCC would check again for documents responsive to Document Request No. 29 and would produce additional responsive documents, if any, by July 17, 2009.

(h) Document Request No. 30: TCCC possesses responsive documents and would produce them by July 17, 2009.

(i) Document Request No. 31: TCCC would produce a privilege log by July 22, 2009 identifying responsive but privileged documents.

(j) Document Request No. 32: TCCC possesses responsive documents and would produce them by July 17, 2009.

(k) Document Request No. 33: TCCC has no responsive documents.

(l) Document Request No. 34: TCCC would produce a privilege log by July 22, 2009 identifying responsive but privileged documents.

(m) Document Request No. 35: TCCC has no responsive documents.

(n) Interrogatory No. 6: TCCC would look again at the interrogatory and its response, and provide a supplemental response if appropriate by July 17, 2009.

(o) Interrogatory No. 8: TCCC would look again at the interrogatory and its response, and provide a supplemental response if appropriate by July 17, 2009.

(p) Interrogatory No. 9: TCCC was not aware of any instances of actual confusion. It would look again at the interrogatory and its response, and provide a supplemental response if appropriate by July 17, 2009.

(q) Interrogatory No. 10: TCCC would look again at the interrogatory and its response, and provide a supplemental response if appropriate by July 17, 2009.

(r) Interrogatory No. 11: TCCC did not agree with Royal Crown's concerns with respect to Interrogatory No. 11, but would look again at the interrogatory and its response, and provide a supplemental response if appropriate by July 17, 2009.

(s) Interrogatory No. 14: TCCC would look again at the interrogatory and its response, and provide a supplemental response if appropriate by July 17, 2009.

22. TCCC did not produce supplemental responsive documents by Friday, July 17, 2009 as it had committed to do.

23. TCCC did not provide supplemental responses to correct its deficient interrogatory responses by July 17, 2009 as it had committed to do.

24. TCCC did not produce its overdue privilege log by July 22, 2009 as it had committed to do.

25. On July 22, 2009, I sent TCCC's counsel an email, advising that if Royal Crown did not received the promised materials by July 25, 2009, it would take the matter to the Board. A true and correct copy of my July 22, 2009 emails is attached hereto as **Exhibit 23**.

26. On July 24, 2009, TCCC stated that it would provide supplemental responses to Interrogatories Nos. 6, 8, 9, 11 and 14 "early" in the week of July 27, 2009, but did not specify when it would supplement its response to Interrogatory No. 8. As to producing additional responsive documents, although TCCC had previously committed to do so by July 17, 2009, TCCC's counsel's July 24, 2009 email merely stated that he had requested his client to review its files for additional responsive documents, and that he would advise when he knew the results of his client's search. TCCC's counsel also stated that it "anticipate[d]" producing documents responsive to Document Requests Nos. 30 "and/or" 32 sometime during the week of July 27, 2009. Finally, despite having already promised to produce a privilege log by July 22, 2009, TCCC's counsel's July 24 email stated that he would produce a "preliminary" log sometime during the week of July 27, 2009. A true and correct copy of TCCC's counsel's July 24, 2009 email is attached hereto as **Exhibit 24**.

27. On July 27, 2009, I sent an email to TCCC's counsel requesting the outstanding supplemental interrogatory responses by July 29, 2009 and all additional documents by July 31,

2009. I also requested that TCCC's counsel consent to a 60-day extension of the discovery and trial schedule given his client's ongoing discovery delays. A true and correct copy of my July 27, 2009 email is attached hereto as **Exhibit 25**.

28. In response, TCCC's counsel stated that TCCC would serve supplemental responses to Interrogatories 6, 9, 10, 11 and 14 on July 29, 2009 (which it in fact did), and that it would serve a supplemental response to Interrogatory No. 8 at some unspecified later date. Counsel did not provide a date by which additional responsive documents would be produced. A true and correct copy of TCCC's counsel's July 29, 2009 email is attached hereto as **Exhibit 26**.

29. Despite repeated requests by me, including by emails dated July 29, August 3 and August 4, 2009, TCCC's counsel has continued to refused to provide a date by which his client would produce overdue documents or its supplemental response to Interrogatory No. 8. A true and correct copy of my July 29, August 3 and August 4, 2009 emails are attached hereto as **Exhibits 27**, **28**, and **29**, respectively.

30. As of the date of this declaration, TCCC's counsel has not produced its overdue privilege log, has not produced overdue documents in response to Document Requests 24, 26 and 29-32, has not produced its overdue supplemental response to Interrogatory No. 8, and has not produced any updates to its original discovery responses or document production. TCCC also has refused to commit to update its document production and its interrogatory responses.

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, declares that all statements made of his own knowledge are true, and all statements made on information and belief are believed to be true.

Declared under penalty of perjury this 21st day of August, 2009, at New York, New York.

Laura Popp-Rosenberg

EXHIBIT 1

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

ROYAL CROWN COMPANY, INC.,	:	
	:	Consolidated Proceedings:
RC,	:	Opposition No. 91178927
	:	Opposition No. 91180771
- against -	:	Opposition No. 91180772
	:	Opposition No. 91183482
THE COCA-COLA COMPANY,	:	Opposition No. 91185755
	:	Opposition No. 91186579
TCCC.	:	

--and--

THE COCA-COLA COMPANY,	:	
	:	Consolidated Proceedings:
RC,	:	Opposition No. 91184434
	:	
- against -	:	
	:	
ROYAL CROWN COMPANY, INC.,	:	
	:	
TCCC.	:	

ROYAL CROWN'S SECOND SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS TO THE COCA-COLA COMPANY

Pursuant to 37 C.F.R. § 2.120 and Rules 26 and 34 of the Federal Rules of Civil Procedure, Royal Crown Company, Inc. hereby requests that The Coca-Cola Company respond to the following requests for the production of documents and things by providing written responses thereto within the time specified by the Trademark Rules of Practice and the Federal Rules of Civil Procedure and by producing the documents and things specified herein for inspection and copying at the offices of Royal Crown Company Inc.'s attorneys, Fross Zelnick Lehrman & Zissu P.C., at 866 United Nations Plaza, New York, New York 10017, Attn.: Laura

Popp-Rosenberg, simultaneously with the written responses or at another mutually agreed upon time and place.

DEFINITIONS AND INSTRUCTIONS

1. Except as otherwise set forth below, the Definitions and Instructions set forth or incorporated by reference in Opposer's First Set of Requests for the Production of Documents and Things to Applicant are incorporated as if fully set forth herein.

2. "RC" means Royal Crown Company, Inc.

3. "RC's Marks" means the marks of RC at issue in Opposition No. 91184434.

4. "TCCC" means The Coca-Cola Company and any company controlled by or affiliated with it; any division, parent, subsidiary, licensee, franchisee, successor, predecessor-in-interest, assign or other related business entity; and every officer, employee, agent, attorney or other person acting or purporting to act on its behalf or through whom it acts or has acted, and the predecessors or successors of any of them.

5. "TCCC's Marks" means the marks of TCCC at issue in Oppositions Nos. 91178927, 91180771, 91180772, 91183482, 91185755, and 91186579, and any other marks of TCCC including the term "zero" on which TCCC will rely in connection with these consolidated proceedings.

REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS

Request No. 23

All Documents requested to be identified in response to Royal Crown's Second Set of Interrogatories to The Coca-Cola Company.

Request No. 24

All Documents Concerning the development and selection of each of TCCC's Marks.

Request No. 25

Documents (including financial, accounting or corporate records) sufficient to establish TCCC's total sales in dollars and units, for each year (or portion thereof), of goods sold under each of TCCC's Marks, separately reported for each such mark.

Request No. 26

Representative samples of advertisements (regardless of media), circulars, catalogues, brochures, promotional materials and other marketing materials sufficient to show the manners in which TCCC has used each of TCCC's Marks.

Request No. 27

Documents (including financial, accounting or corporate records) sufficient to establish the amount of money spent by TCCC, for each year (or portion thereof), to advertise, market, promote or otherwise publicize each of TCCC's Marks or goods offered thereunder, separately reported for each such mark.

Request No. 28

Documents sufficient to identify how and when TCCC first became aware of RC's Marks.

Request No. 29

All Documents Concerning RC's use of RC's Marks or TCCC's awareness of RC's use of RC's Marks.

Request No. 30

All Documents Concerning any objection or opposition asserted by TCCC against a third party on the basis of TCCC's alleged rights in any of TCCC's Marks, including, but not limited to, all communications between TCCC and such third party.

Request No. 31

All Documents Concerning third party use of any mark consisting of or including the word or numeral "zero" in connection with beverages.

Request No. 32

Documents sufficient to identify (1) all lawsuits, oppositions, cancellation proceedings or other formal or informal legal proceedings (including but not limited to mediations and arbitrations) brought by TCCC against a third party arising out of a claim that a mark used, registered or sought to be registered by such third party was likely to cause confusion with any of TCCC's Marks; (2) the mark(s) at issue in each such action or proceeding; and (3) the status of each such action or proceeding.

Request No. 33

All Documents Concerning Agreements, including but not limited to licensing agreements, coexistence agreements, and settlement agreements, whether or not currently in force, with any Person Concerning the use or registration of (i) a mark consisting of or including the word or numeral "zero" in connection with beverages; or (ii) a mark that TCCC claims or claimed is or was likely to cause confusion with any of TCCC's Marks.

Request No. 34

All Documents concerning the similarity between either of RC's Marks and any of TCCC's Marks.

Request No. 35

All Documents Concerning any actual confusion arising from use of RC's Marks as to TCCC's sponsorship of, approval of, affiliation with, connection with, or association with RC or goods offered under RC's Marks.

Request No. 36

All Documents Concerning the allegations in Paragraph 6 of the Notice of Opposition in Opposition No. 91184434.

Request No. 37

All Documents Concerning the allegations in Paragraph 8 of the Notice of Opposition in Opposition No. 91184434.

Request No. 38

For each expert TCCC intends to call to provide testimony in the proceeding, (a) all written reports relating to the issue(s) on which the expert will testify; (b) a complete written statement of all opinions to be expressed by the expert, and the basis and reasons therefor; (c) all Documents reflecting the data or other information considered by the expert in forming his/her opinions, including but not limited to all Documents used to create any summaries or other extrapolations of information considered by the expert in forming his/her opinions; (d) all exhibits to be used by the expert in connection with his/her opinions and testimony; (e) Documents sufficient to set forth the qualifications of the expert; (f) a written list of all

publications authored by the expert within the last ten years; (g) a list of all other cases in which the expert has appeared or given testimony; and (h) all Documents showing the compensation to be paid for the expert's preparation time and testimony time.

Dated: New York, New York
February 13, 2009

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: _____
Barbara A. Solomon
Laura Popp-Rosenberg
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

Attorneys for Royal Crown Company, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of **Royal Crown's Second Set of Requests for the Production of Documents and Things to The Coca-Cola Company** to be deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to counsel for Applicant, Bruce Baber, Esq., King & Spalding LLP, 1185 Avenue of the Americas, New York, NY 10036-4003, this 13th day of February, 2009.

Laura Popp-Rosenberg

EXHIBIT 2

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

ROYAL CROWN COMPANY, INC.,	
Opposer,	Consolidated Proceedings: Opposition No. 91178927, Opposition No. 91180771, Opposition No. 91180772, Opposition No. 91183482, Opposition No. 91185755, Opposition No. 91186579
- against -	
THE COCA-COLA COMPANY,	
Applicant.	
--and--	
THE COCA-COLA COMPANY,	
Opposer,	Consolidated Proceedings: Opposition No. 91184434
- against -	
ROYAL CROWN COMPANY, INC.,	
Applicant.	

ROYAL CROWN'S SECOND SET OF
INTERROGATORIES TO THE COCA-COLA COMPANY

Pursuant to 37 C.F.R. § 2.120 and Rules 26 and 33 of the Federal Rules of Civil Procedure, Royal Crown Company, Inc. hereby requests that The Coca-Cola Company answer the following interrogatories by serving written responses thereto at the offices of Royal Crown Company, Inc.'s attorneys, Fross Zelnick Lehrman & Zissu, P.C., 866 United Nations Plaza, New York, New York 10017, Attention: Laura Popp-Rosenberg, within the time specified by the Trademark Rules of Practice and the Federal Rules of Civil Procedure.

DEFINITIONS AND INSTRUCTIONS

1. Except as otherwise set forth below, the Definitions and Instructions set forth or incorporated by reference in Opposer's First Set of Interrogatories to Applicant are incorporated as if fully set forth herein.

2. "RC" means Royal Crown Company, Inc.

3. "RC's Marks" means the marks of RC at issue in Opposition No. 91184434.

4. "Set Forth the Basis" with respect to an allegation means to state all facts, evidence and legal bases supporting such allegation and to identify all Documents Concerning such allegation (including both those supporting and those tending to negate the allegation).

5. "TCCC" means The Coca-Cola Company and any company controlled by or affiliated with it; any division, parent, subsidiary, licensee, franchisee, successor, predecessor-in-interest, assign or other related business entity; and every officer, employee, agent, attorney or other person acting or purporting to act on its behalf or through whom it acts or has acted, and the predecessors or successors of any of them.

6. "TCCC's Marks" means the marks of TCCC at issue in Oppositions Nos. 91178927, 91180771, 91180772, 91183482, 91185755, and 91186579, and any other marks of TCCC including the term "zero" on which TCCC will rely in connection with these consolidated proceedings.

INTERROGATORIES

Interrogatory No. 6

Describe in detail the development and selection of each of TCCC's Marks, including TCCC's reason(s) for selecting each of TCCC's Marks; and any meaning or significance of each of TCCC's Marks.

Interrogatory No. 7

State when and Describe how TCCC first became aware of RC's Marks.

Interrogatory No. 8

Describe in detail all advertising, marketing and promotional campaigns or activities that have included more than one of TCCC's Marks, specifying for each the mark(s) involved in and the media, media outlet, time frame and geographic scope of each such campaign or activity.

Interrogatory No. 9

If TCCC is aware that any Person has been confused or deceived as a result of the use of either of RC's Marks as to the source, sponsorship, connection, affiliation, association or approval of products sold under the mark:

(a) Identify the Person that was confused or deceived and the circumstances of such confusion or deception, including but not limited to the date and location of such confusion or deception;

(b) Identify each natural person who has knowledge of such confusion or deception; and

(c) Identify all Communications and Documents Concerning such confusion or deception.

Interrogatory No. 10

Identify all third parties believed or known by TCCC to have used, applied to register and/or registered a mark comprised in whole or part of the word ZERO or the numeral 0, or a variation of either, in connection with any beverage products.

Interrogatory No. 11

For each third party identified in response to Interrogatory No. 10, Identify:

(a) the mark used by such third party;

(b) the actions, if any, TCCC has taken to stop use or prevent registration of the mark at issue;

(c) the status of all such actions; and

(d) whether the third-party mark is still in use.

Interrogatory No. 12

Identify all third parties who have objected to TCCC's use or registration of any of TCCC's Marks and the status of each such dispute.

Interrogatory No. 13

Identify all third-party marks consisting of or including the word ZERO or numeral 0, or a variation of either, the use or registration of which TCCC has expressly consented or permitted through a settlement agreement, coexistence agreement or otherwise.

Interrogatory No. 14

Identify all third-party marks consisting of or including the word ZERO or numeral 0, or a variation of either, known or believed by TCCC to be used or registered for beverage products to which TCCC does not object.

Interrogatory No. 15

Set Forth the Basis for the allegation in Paragraph 6 of the pleading entitled "Opposition" in Opposition No. 91184434 that "Applicant's Alleged PURE ZERO Marks, when used in connection with Applicant's Goods, so resemble Opposer's ZERO Marks as to be likely to cause

confusion, or to cause mistake, or to deceive with respect to the source or origin of Applicant's Goods, with respect to Opposer's sponsorship thereof or connection or affiliation therewith, and/or in other ways."

Interrogatory No. 16

Set Forth the Basis for the allegation in Paragraph 8 of the pleading entitled "Opposition" in Opposition No. 91184434 that "Applicant's Alleged PURE ZERO Marks falsely suggest a connection or affiliation with Opposer," including but not limited to the basis for any allegation that

(a) Either of RC's Marks is the same as or a close approximation of the name or identify previously used by TCCC; or

(b) Either of RC's Marks would be recognized as pointing uniquely and unmistakably to TCCC.

Dated: New York, New York
February 18, 2009

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: _____
Barbara A. Solomon
Laura Popp-Rosenberg
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

Attorneys for Royal Crown Company, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of **Royal Crown's Second Set of Interrogatories to The Coca-Cola Company** to be deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to counsel for TCCC, Bruce Baber, Esq., King & Spalding LLP, 1185 Avenue of the Americas, New York, NY 10036-4003, this 18th day of February, 2009.

Laura Popp-Rosenberg

EXHIBIT 3

Laura Popp-Rosenberg

From: Barbara Solomon
Sent: Thursday, March 19, 2009 8:51 PM
To: 'Baber, Bruce'
Cc: Laura Popp-Rosenberg
Subject: RE: Royal Crown v. TCCC -- ZERO Oppositions

Bruce, we show the deadline for your responses as the 25th, not the 27th. We will extend the date for 2 or 3 weeks as requested provided that the documents be provided with the responses and also provided that the discovery and trial dates are extended for an equal amount of time. We served the requests so that we would have sufficient time after the responses were due to pursue necessary follow up discovery. We cannot extend your dates if that will cut into our follow up time.

Barbara A. Solomon, Esq.
Fross Zelnick Lehrman & o
866 United Nations Plaza
New York, New York 10017
Ph: 212-813-5900
Fax:212-813-5901

From: Baber, Bruce [mailto:BBaber@KSLAW.com]
Sent: Thursday, March 19, 2009 8:44 PM
To: Barbara Solomon
Cc: Laura Popp-Rosenberg; Bienko Brown, Emily
Subject: FW: Royal Crown v. TCCC -- ZERO Oppositions

Hi Barbara --

Sorry to bother you, but I am following up on a message I sent on Tuesday of this week and a follow-up I sent today to Laura Popp-Rosenberg regarding the above matter (copies below). I have not heard back from Laura and am wondering if maybe she is out of the office.

Could you (or Laura) please let me know as soon as possible whether RC is agreeable to the extensions we have requested with respect to the discovery responses that are identified in my message to Laura?

Many thanks -

Bruce

Bruce W. Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

From: Baber, Bruce
Sent: Thursday, March 19, 2009 12:06 PM
To: 'Laura Popp-Rosenberg'
Cc: Bienko Brown, Emily
Subject: RE: Royal Crown v. TCCC -- ZERO Oppositions

Hi Laura --

Just checking in to be sure you received my message of Tuesday regarding your discovery requests (copy below). Are you agreeable to the extension we requested?

Best regards --

Bruce

Bruce W. Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

From: Baber, Bruce
Sent: Tuesday, March 17, 2009 7:06 PM
To: 'Laura Popp-Rosenberg'
Cc: Bienko Brown, Emily
Subject: Royal Crown v. TCCC -- ZERO Oppositions

Laura --

We are in receipt of your second set of requests for production of documents, served by mail on February 13, and your second set of interrogatories and second set of requests for admission, both served by mail on February 18. By our calculations, our responses to the document requests are due this coming Friday, March 20, and our responses to the interrogatories and requests for admission are due next Friday, March 27.

It would be easier for us if we could have all the responses due on the same day, and if we had some extra time in view of the number of discovery requests that you served, including the 143 requests for admission. Will you consent to an extension of the time within which we may respond to these requests so that our answers, objections or other responses to all three sets of requests are due on Monday, April 6?

I will look forward to hearing back from you regarding the above at your early convenience.

Best regards --

Bruce

Bruce W. Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

EXHIBIT 4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ROYAL CROWN COMPANY, INC.,	)	
	)	Consolidated Proceedings:
Opposer,	)	
	)	OPPOSITION NO. 91178927
v.	)	OPPOSITION NO. 91180771
	)	OPPOSITION NO. 91180772
THE COCA-COLA COMPANY,	)	OPPOSITION NO. 91183482
	)	OPPOSITION NO. 91185755
Applicant.	)	OPPOSITION NO. 91186579

-- and --

THE COCA-COLA COMPANY,	)	
	)	
Opposer,	)	
	)	
v.	)	
	)	OPPOSITION NO. 91184434
ROYAL CROWN COMPANY, INC.,	)	
	)	
Applicant.	)	

RESPONSES OF THE COCA-COLA COMPANY
TO ROYAL CROWN'S SECOND SET OF REQUESTS
FOR THE PRODUCTION OF DOCUMENTS AND THINGS

The Coca-Cola Company ("TCCC"), by and through its undersigned counsel and in accordance with Rule 34 of the Federal Rules of Civil Procedure and Rules 2.116 and 2.120 of the Trademark Rules of Practice, hereby responds as follows to "Royal Crown's Second Set Of Requests For The Production Of Documents And Things To The Coca-Cola Company" ("RC's Second Document Requests"), served by Royal Crown Company, Inc. ("RC") on February 13, 2009.

GENERAL OBJECTIONS

1.

TCCC objects to RC's Second Document Requests, and the "Definitions and Instructions" contained therein, as well as those incorporated by reference therein, as set forth in Royal Crown's First Set of Requests for the Production of Documents and Things ("RC's First Document Requests"), including without limitation the purported definitions and instructions relating to the time and place of production, privilege, and the scope of knowledge or information in the possession of TCCC, on the grounds that such purported definitions and instructions are overbroad, seek documents containing redundant and irrelevant information that is neither relevant to the issues in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence, seek to impose on TCCC obligations greater than or different from those imposed under the Federal Rules of Civil Procedure and the Trademark Rules of Practice, and seek documents and information subject to the attorney-client privilege, subject to the work product doctrine, or otherwise protected from discovery. In responding to RC's Second Document Requests, TCCC shall respond in accordance with the applicable provisions of the Federal Rules of Civil Procedure and the Trademark Rules of Practice.

2.

TCCC objects to RC's Second Document Requests to the extent that they are duplicative or cumulative of each other or prior discovery requests served by RC. When discovery requests are duplicative or cumulative, TCCC will respond to the first such discovery request, and incorporate that response in its responses to the later discovery requests.

3.

TCCC objects to RC's Second Document Requests to the extent that they seek documents not within TCCC's possession, custody, or control, or that are as easily available to RC as to TCCC.

4.

TCCC objects to RC's definition of "TCCC" to the extent that it purports to include attorneys and other persons not employed by TCCC. In responding to RC's Second Document Requests, TCCC will respond on behalf of The Coca-Cola Company.

5.

TCCC objects to each of RC's Second Document Requests to the extent that they seek "all" documents. TCCC has conducted a reasonable investigation and search with respect to the documents responsive to RC's Second Document Requests. To the extent RC's Second Document Requests seek to impose a greater burden on TCCC, they are unduly burdensome, overbroad, and not reasonably calculated to lead to the discovery of admissible evidence. TCCC's investigation of this matter is continuing, and TCCC reserves the right to supplement these responses as it deems necessary.

6.

TCCC objects to each of RC's Second Document Requests to the extent that the document request seeks documents containing information that is confidential or proprietary to TCCC.

OBJECTIONS AND RESPONSES TO DOCUMENT REQUESTS

Subject to and without waiving any of the foregoing general objections, TCCC responds as follows to RC's separately-numbered document requests:

REQUEST NO. 23:

All Documents requested to be identified in response to Royal Crown's Second Set of Interrogatories to The Coca-Cola Company.

RESPONSE TO REQUEST NO. 23:

TCCC objects to Request No. 23 on the grounds that the request is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 23 on the grounds that the request seeks documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 23 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 23 that TCCC will produce, subject to the protective order and following service of TCCC's responses to Royal Crown's Second Set of Interrogatories to The Coca-Cola Company, any non-objectionable, non-privileged documents that TCCC identifies in its responses.

REQUEST NO. 24:

All Documents Concerning the development and selection of each of TCCC's Marks.

RESPONSE TO REQUEST NO. 24:

TCCC objects to Request No. 24 on the grounds that the request is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 24 on the

grounds that the request seeks documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 24 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 24 that TCCC will produce, subject to the protective order, non-objectionable, non-privileged documents that relate to TCCC's selection and adoption of TCCC's Marks for use in the United States.

REQUEST NO. 25:

Documents (including financial, accounting or corporate records) sufficient to establish TCCC's total sales in dollars and units, for each year (or portion thereof), of goods sold under each of TCCC's Marks, separately reported for each such mark.

RESPONSE TO REQUEST NO. 25:

TCCC objects to Request No. 25 on the grounds that the request is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 25 on the grounds that the request seeks documents that contain information that is confidential and proprietary to TCCC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 25 that TCCC will produce to RC's counsel, subject to the protective order, non-objectionable, non-privileged documents sufficient to show the annual sales in the United States of products bearing TCCC's Marks, to the extent and in the form such information is available to TCCC.

REQUEST NO. 26:

Representative samples of advertisements (regardless of media), circulars, catalogues, brochures, promotional materials and other marketing materials sufficient to show the manners in which TCCC has used each of TCCC's Marks.

RESPONSE TO REQUEST NO. 26:

TCCC objects to Request No. 26 on the grounds that the request is vague and ambiguous.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 26 that TCCC will produce representative samples of advertisements, circulars, catalogues, brochures, promotional materials and marketing materials that have been used in the United States to advertise or promote the sale of products bearing TCCC's Marks.

REQUEST NO. 27:

Documents (including financial, accounting or corporate records) sufficient to establish the amount of money spent by TCCC, for each year (or portion thereof), to advertise, market, promote or otherwise publicize each of TCCC's Marks or goods offered thereunder, separately reported for each such mark.

RESPONSE TO REQUEST NO. 27:

TCCC objects to Request No. 27 on the grounds that the request is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 27 on the grounds that the request seeks documents that contain information that is confidential and proprietary to TCCC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 27 that TCCC advertises, markets, promotes and publicizes products bearing TCCC's Marks, not TCCC's Marks in and of

themselves. TCCC further states in response to Request No. 27 that TCCC will produce to RC's counsel, subject to the protective order, non-objectionable, non-privileged documents that reflect the amounts of money spent by TCCC on advertising, marketing, promoting or publicizing products bearing TCCC's Marks in the United States.

REQUEST NO. 28:

Documents sufficient to identify how and when TCCC first became aware of RC's Marks.

RESPONSE TO REQUEST NO. 28:

TCCC objects to Request No. 28 on the grounds that the request is vague and ambiguous. TCCC further objects to Request No. 28 on the grounds that the request seeks documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 28 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 28 that TCCC will produce, subject to the protective order, non-objectionable, non-privileged documents in its possession, custody or control sufficient to identify how and when TCCC first became aware of RC's Marks, if any exist.

REQUEST NO. 29:

All Documents Concerning RC's use of RC's Marks or TCCC's awareness of RC's use of RC's Marks.

RESPONSE TO REQUEST NO. 29:

TCCC objects to Request No. 29 on the grounds that the request is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 29 on the grounds that the request seeks documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 29 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine. TCCC further objects to Request No. 29 on the grounds that the request is, in part, duplicative of Request No. 28.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 29 that TCCC will produce, subject to the protective order, non-objectionable, non-privileged documents that relate to RC's use of RC's Marks or TCCC's awareness of RC's use of RC's Marks, if any exist.

REQUEST NO. 30:

All Documents Concerning any objection or opposition asserted by TCCC against a third party on the basis of TCCC's alleged rights in any of TCCC's Marks, including, but not limited to, all communications between TCCC and such third party.

RESPONSE TO REQUEST NO. 30:

TCCC objects to Request No. 30 on the grounds that the request is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 30 on the grounds that the request seeks documents and communications that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 30 on the grounds that the request seeks, in part, documents that are subject to the

attorney-client privilege and/or work product doctrine. TCCC further objects to Request No. 30 on the grounds that the request seeks, in part, documents that are as easily available to RC as to TCCC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 30 that TCCC will produce non-objectionable, non-privileged documents that relate to objections or oppositions asserted by TCCC against a third party on the basis of TCCC's rights in and to TCCC's Marks in the United States.

REQUEST NO. 31:

All Documents Concerning third party use of any mark consisting of or including the word or numeral "zero" in connection with beverages.

RESPONSE TO REQUEST NO. 31:

TCCC objects to Request No. 31 on the grounds that the request is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 31 on the grounds that the request seeks documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 31 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 31 that TCCC will produce non-objectionable, non-privileged documents that relate to use in the United States by

parties other than TCCC and RC of a mark for beverage products that consists of or includes the word "zero" or the number "0."

REQUEST NO. 32:

Documents sufficient to identify (1) all lawsuits, oppositions, cancellation proceedings or other formal or informal legal proceedings (including but not limited to mediations and arbitrations) brought by TCCC against a third party arising out of a claim that a mark used, registered or sought to be registered by such third party was likely to cause confusion with any of TCCC's Marks; (2) the mark(s) at issue in each such action or proceeding; and (3) the status of each such action or proceeding.

RESPONSE TO REQUEST NO. 32:

TCCC objects to Request No. 32 on the grounds that the request is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 32 on the grounds that the request seeks documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 32 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine. TCCC further objects to Request No. 32 on the grounds that the request is, in part, duplicative of Request No. 30. TCCC also objects to Request No. 32 on the grounds that the request seeks documents that are as easily available to RC as to TCCC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 32 that TCCC will produce non-objectionable, non-privileged documents that relate to legal proceedings brought by TCCC in the United States against a third party on the grounds of likelihood of confusion with any of TCCC's Marks, if any exist.

REQUEST NO. 33:

All Documents Concerning Agreements, including but not limited to licensing agreements, coexistence agreements, and settlement agreements, whether or not currently in force, with any Person Concerning the use or registration of (i) a mark consisting of or including the word or numeral "zero" in connection with beverages; or (ii) a mark that TCCC claims or claimed is or was likely to cause confusion with any of TCCC's Marks.

RESPONSE TO REQUEST NO. 33:

TCCC objects to Request No. 33 on the grounds that the request is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 33 on the grounds that the request seeks documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 33 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 33 that TCCC will produce, subject to the protective order, non-objectionable, non-privileged documents that relate to agreements between TCCC and a third party regarding the use or registration in the United States of a mark that consists of or includes the word "zero" or the number "0" in connection with beverages or that is likely to cause confusion with TCCC's Marks, if any exist.

REQUEST NO. 34:

All Documents concerning the similarity between either of RC's Marks and any of TCCC's Marks.

RESPONSE TO REQUEST NO. 34:

TCCC objects to Request No. 34 on the grounds that the request is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 34 on the grounds that the request seeks documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 34 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine. TCCC further objects to Request No. 34 on the grounds that the request is duplicative of other discovery requests served by RC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 34 that TCCC will produce non-objectionable, non-privileged documents in its possession, custody or control that relate to the similarity between either of RC's Marks and any of TCCC's Marks.

REQUEST NO. 35:

All Documents Concerning any actual confusion arising from use of RC's Marks as to TCCC's sponsorship of, approval of, affiliation with, connection with, or association with RC or goods offered under RC's Marks.

RESPONSE TO REQUEST NO. 35:

TCCC objects to Request No. 35 on the grounds that the request is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 35 on the grounds that the request seeks documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 35 on the grounds that the request seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 35 that TCCC will produce non-objectionable, non-privileged documents that relate to any instance of actual confusion as to TCCC's sponsorship of, approval of, affiliation with, connection with, or association with RC or products bearing RC's Marks that has arisen from RC's use of RC's Marks in the United States, if any exist.

REQUEST NO. 36:

All documents Concerning the allegations in Paragraph 6 of the Notice of Opposition in Opposition No. 91184434.

RESPONSE TO REQUEST NO. 36:

TCCC objects to Request No. 36 on the grounds that the request is premature and improper, as a party need not, in advance of trial, specify in detail the evidence it intends to present. *See* TBMP § 414(7). TCCC further objects to Request No. 36 on the grounds that it is beyond the scope of discovery, and seeks to impose on TCCC discovery obligations greater than or different from those imposed under the Federal Rules of Civil Procedure, Trademark Rules of Practice, or TBMP. TCCC also objects to Request No. 36 on the grounds that the request is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 36 on the grounds that the requests seeks documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 36 on the grounds that the requests seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 36 that TCCC will comply with the Federal Rules of Evidence, Trademark Rules of Practice, and TBMP and will produce documents that support the allegations in paragraph 6 of TCCC's Opposition when required to do so by the above-referenced rules. TCCC further states in response to Request No. 36 that some of the documents that TCCC has produced in response to RC's prior discovery requests and that TCCC will produce in response to RC's Second Document Requests may support the allegations in paragraph 6 of TCCC's Opposition. TCCC further states in response to Request No. 36 that TCCC may also rely upon any and all of the documents TCCC has produced to RC or will produce to RC in response to RC's Second Document Requests as well as any documents produced by RC to support the allegations in paragraph 6 of TCCC's Opposition.

REQUEST NO. 37:

All Documents Concerning the allegations in Paragraph 8 of the Notice of Opposition in Opposition No. 91184434.

RESPONSE TO REQUEST NO. 37:

TCCC objects to Request No. 37 on the grounds that the request is premature and improper, as a party need not, in advance of trial, specify in detail the evidence it intends to present. *See* TBMP § 414(7). TCCC further objects to Request No. 37 on the grounds that it is beyond the scope of discovery, and seeks to impose on TCCC discovery obligations greater than or different from those imposed under the Federal Rules of Civil Procedure, Trademark Rules of Practice, or TBMP. TCCC also objects to Request No. 37 on the grounds that the request is overbroad, unduly burdensome,

vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 37 on the grounds that the requests seeks documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 37 on the grounds that the requests seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 37 that TCCC will comply with the Federal Rules of Evidence, Trademark Rules of Practice, and TBMP and will produce documents that support the allegations in paragraph 8 of TCCC's Opposition when required to do so by the above-referenced rules. TCCC further states in response to Request No. 37 that some of the documents that TCCC has produced in response to RC's prior discovery requests and that TCCC will produce in response to RC's Second Document Requests may support the allegations in paragraph 8 of TCCC's Opposition. TCCC further states in response to Request No. 37 that TCCC may also rely upon any and all of the documents TCCC has produced to RC or will produce to RC in response to RC's Second Document Requests as well as any documents produced by RC to support the allegations in paragraph 8 of TCCC's Opposition.

REQUEST NO. 38:

For each expert TCCC intends to call to provide testimony in the proceeding, (a) all written reports relating to the issue(s) on which the expert will testify; (b) a complete written statement of all opinions to be expressed by the expert, and the basis and reasons therefore; (c) all Documents reflecting the data or other information considered by the expert in forming his/her opinions, including but not limited to all Documents used to create any summaries or other extrapolations of information considered by the expert in forming his/her opinions; (c) all exhibits to be used by the expert in connection with his/her opinions and testimony; (e) Documents sufficient to set forth the qualifications of the expert; (f) a written list of all publications authored by the

expert within the last ten years; (g) a list of all other cases in which the expert has appeared or given testimony; and (h) all Documents showing the compensation to be paid for the expert's preparation time and testimony time.

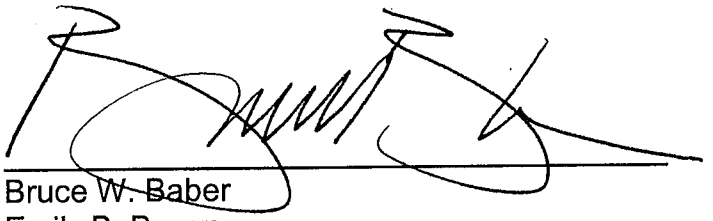
RESPONSE TO REQUEST NO. 38:

TCCC objects to Request No. 38 on the grounds that the request is premature and improper, as a party need not, in advance of trial, specify in detail the evidence it intends to present. *See* TBMP § 414(7). TCCC further objects to Request No. 38 on the grounds that it is beyond the scope of discovery, and seeks to impose on TCCC discovery obligations greater than or different from those imposed under the Federal Rules of Civil Procedure, Trademark Rules of Practice, or TBMP. TCCC also objects to Request No. 38 on the grounds that the request is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 38 on the grounds that the requests seeks documents that contain information that is confidential and proprietary to TCCC. TCCC also objects to Request No. 38 on the grounds that the requests seeks, in part, documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Request No. 38 that TCCC will comply with the Federal Rules of Evidence, Trademark Rules of Practice, and TBMP and will produce documents that relate to each expert TCCC intends to call to provide testimony in this proceeding when required to do so by the above-referenced rules. TCC further states in response to Request No. 38 that TCCC has produced to RC all reports prepared to date by Alex Simonson, Ph.D., an expert TCCC may call in these proceedings.

This 20th day of March, 2009.

KING & SPALDING LLP



Bruce W. Baber
Emily B. Brown

1180 Peachtree Street
Atlanta, Georgia 30309
Telephone: 404-572-4600
Facsimile: 404-572-5134

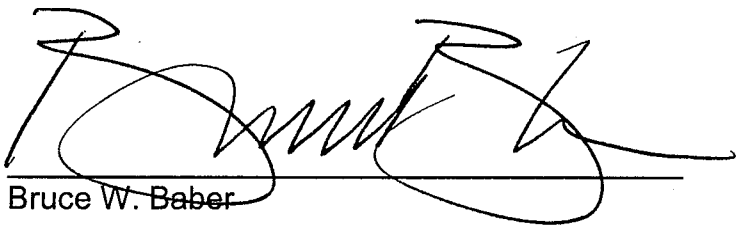
Attorneys for Applicant and Opposer
THE COCA-COLA COMPANY

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing The Coca-Cola Company's Responses To Royal Crown's Second Set Of Requests For The Production Of Documents And Things upon Royal Crown Company, Inc., by causing a true and correct copy thereof to be deposited in the United States Mail, postage prepaid, addressed to counsel of record for Royal Crown Company, Inc. as follows:

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

This 20th day of March, 2009.



Bruce W. Baber

EXHIBIT 5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ROYAL CROWN COMPANY, INC.,	)	
	)	Consolidated Proceedings:
Opposer,	)	
	)	OPPOSITION NO. 91178927
v.	)	OPPOSITION NO. 91180771
	)	OPPOSITION NO. 91180772
THE COCA-COLA COMPANY,	)	OPPOSITION NO. 91183482
	)	OPPOSITION NO. 91185755
Applicant.	)	OPPOSITION NO. 91186579

-- and --

THE COCA-COLA COMPANY,	)	
	)	
Opposer,	)	
	)	
v.	)	OPPOSITION NO. 91184434
	)	
ROYAL CROWN COMPANY, INC.,	)	
	)	
Applicant.	)	

RESPONSES OF THE COCA-COLA COMPANY TO
ROYAL CROWN'S SECOND SET OF INTERROGATORIES

The Coca-Cola Company ("TCCC"), by and through its undersigned counsel and in accordance with Rules 26 and 33 of the Federal Rules of Civil Procedure and Rules 2.116 and 2.120 of the Trademark Rules of Practice, hereby responds as follows to "Royal Crown's Second Set Of Interrogatories To The Coca-Cola Company" ("RC's Second Interrogatories"), served by Royal Crown Company, Inc. ("RC") on February 18, 2009.

GENERAL OBJECTIONS

1.

TCCC objects to RC's Second Interrogatories, and the "Definitions and Instructions" contained therein as well as those incorporated by reference therein, as set forth in Royal Crown's First Set of Interrogatories, including without limitation the purported definitions and instructions relating to privilege, documents, and the scope of knowledge or information in the possession of TCCC, on the grounds that such purported definitions and instructions are overbroad, seek redundant and irrelevant information that is neither relevant to the issues in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence, seek to impose on TCCC obligations greater than or different from those imposed under the Federal Rules of Civil Procedure and the Trademark Rules of Practice, and seek documents and information subject to the attorney-client privilege, subject to the work product doctrine, or otherwise protected from discovery. In responding to RC's Second Interrogatories, TCCC shall respond in accordance with the applicable provisions of the Federal Rules of Civil Procedure and the Trademark Rules of Practice.

2.

TCCC objects to RC's Second Interrogatories to the extent that they are duplicative or cumulative of each other or of prior discovery requests served by RC. When discovery requests are duplicative or cumulative, TCCC will respond to the first such discovery request, and incorporate that response in its responses to the later discovery requests.

3.

TCCC objects to RC's Second Interrogatories to the extent that they seek information not within TCCC's possession, custody, or control, or that is as easily available to RC as to TCCC.

4.

TCCC objects to RC's definition of "TCCC" to the extent that it purports to include attorneys and other persons not employed by TCCC. In responding to RC's Second Interrogatories, TCCC will respond on behalf of The Coca-Cola Company.

5.

TCCC objects to each of RC's Second Interrogatories to the extent that they seek "all" information. TCCC has conducted a reasonable investigation and search with respect to information responsive to RC's Second Interrogatories. To the extent RC's Second Interrogatories seek to impose a greater burden on TCCC, they are unduly burdensome, overbroad, and not reasonably calculated to lead to the discovery of admissible evidence. TCCC's investigation of this matter is continuing, and TCCC reserves the right to supplement these responses as it deems necessary.

6.

TCCC objects to each of RC's Second Interrogatories to the extent that the interrogatory seeks information that is confidential or proprietary to TCCC.

OBJECTIONS AND RESPONSES TO INTERROGATORIES

Subject to and without waiving any of the foregoing general objections, TCCC responds as follows to RC's separately-numbered interrogatories:

INTERROGATORY NO. 6:

Describe in detail the development and selection of each of TCCC's Marks, including TCCC's reason(s) for selecting each of TCCC's Marks; and any meaning or significance of each of TCCC's Marks.

RESPONSE TO INTERROGATORY NO. 6:

TCCC objects to Interrogatory No. 6 on the grounds that the interrogatory is overbroad, unduly burdensome, vague, ambiguous and, in part, unintelligible. TCCC further objects to Interrogatory No. 6 on the grounds that it seeks information that is confidential and proprietary to TCCC. TCCC also objects to Interrogatory No. 6 on the grounds that the interrogatory seeks, in part, information that is subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 6 that TCCC first selected "ZERO" for use as a part of a mark in the United States in connection with the mark DIET SPRITE ZERO, and did so because "ZERO" was suggestive of several tangible and intangible attributes of the DIET SPRITE ZERO product. TCCC further states in response to Interrogatory No. 6 that TCCC subsequently decided to utilize "ZERO" as part of the marks COCA-COLA ZERO, COKE ZERO, FANTA ZERO, PIBB ZERO, VAULT ZERO, POWERADE ZERO, CHERRY COKE ZERO and VANILLA COKE ZERO in the United States for many reasons, including because of the success of its DIET SPRITE ZERO and SPRITE ZERO products and the subsequent success of its COCA-COLA ZERO / COKE ZERO products, because "ZERO" was also suggestive of tangible and intangible attributes of such additional products, and because "ZERO" when used as a part of a beverage product name had become associated with TCCC.

TCCC further states in response to Interrogatory No. 6 that the "significance" of "ZERO" with respect to each of the TCCC products identified above varies from product to product, depending on the specific attributes of the specific products.

INTERROGATORY NO. 7:

State when and Describe how TCCC first became aware of RC's Marks.

RESPONSE TO INTERROGATORY NO. 7:

TCCC objects to Interrogatory No. 7 on the grounds that the interrogatory is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Interrogatory No.7 on the grounds that the interrogatory seeks information that is confidential and proprietary to TCCC as well as information that is subject to the attorney-client and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 7 that, to the best of TCCC's knowledge, TCCC first became aware of RC's alleged marks DIET RITE PURE ZERO and/or PURE ZERO ("RC's Alleged Marks") during the first half of 2005 through activities on the part of TCCC's counsel.

INTERROGATORY NO. 8:

Describe in detail all advertising, marketing and promotional campaigns or activities that have included more than one of TCCC's Marks, specifying for each the mark(s) involved in and the media, media outlet, time frame and geographic scope of each such campaign or activity.

RESPONSE TO INTERROGATORY NO. 8:

TCCC objects to Interrogatory No. 8 on the grounds that the interrogatory is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to

Interrogatory No. 8 on the grounds that the interrogatory seeks information that is confidential and proprietary to TCCC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 8 that TCCC will produce documents sufficient to show advertisements that have been used and marketing and promotional activities that have been conducted in the United States that have included more than one of TCCC's ZERO Marks, to the extent such materials are in the possession of TCCC.

INTERROGATORY NO. 9:

If TCCC is aware that any Person has been confused or deceived as a result of the use of either of RC's Marks as to the source, sponsorship, connection, affiliation, association or approval of products sold under the mark:

(a) Identify the Person that was confused or deceived and the circumstances of such confusion or deception, including but not limited to the date and location of such confusion or deception;

(b) Identify each natural person who has knowledge of such confusion or deception; and

(c) Identify all Communications and Documents Concerning such confusion or deception.

RESPONSE TO INTERROGATORY NO. 9:

TCCC objects to Interrogatory No. 9 on the grounds that the interrogatory is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Interrogatory No. 9 on the grounds that the interrogatory seeks information and documents that contain information that are confidential and proprietary to TCCC. TCCC also objects to Interrogatory No. 9 on the grounds that the interrogatory seeks, in part, information and documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 9 that TCCC is not aware, as of the date of these responses, of the names or identities of any specific individuals who have been "confused or deceived" as a result of RC's use of RC's Alleged Marks. TCCC further states in response to Interrogatory No. 9 that TCCC's investigation is continuing regarding any instances of confusion as to the source, sponsorship, connection, affiliation, association or approval of products in connection with which RC's Alleged Marks have been used, and TCCC reserves the right to supplement this response based on the results of TCCC's continuing investigation.

INTERROGATORY NO. 10:

Identify all third parties believed or known by TCCC to have used, applied to register and/or registered a mark comprised in whole or part of the word ZERO or the numeral 0, or a variation of either, in connection with any beverage products.

RESPONSE TO INTERROGATORY NO. 10:

TCCC objects to Interrogatory No. 10 on the grounds that the interrogatory is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Interrogatory No. 10 on the grounds that the interrogatory seeks information that is as easily available to RC as to TCCC, and on the grounds that the interrogatory is duplicative, in part, of discovery requests previously served by RC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 10 that TCCC has produced to RC documents that may reflect certain uses, applications for registration and/or registrations of names that include ZERO or the numeral "0" in the United States.

TCCC further states in response to Interrogatory No. 10 that TCCC will consider responding further to a narrower interrogatory that is reasonable in scope and specifies a relevant time frame and a relevant geographic scope.

INTERROGATORY NO. 11:

For each third party identified in response to Interrogatory No. 10, Identify:
(a) the mark used by such third party;
(b) the actions, if any, TCCC has taken to stop use or prevent registration of the mark at issue;
(c) the status of all such actions; and
(d) whether the third-party mark is still in use.

RESPONSE TO INTERROGATORY NO. 11:

TCCC objects to Interrogatory No. 11 on the grounds that the interrogatory is unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Interrogatory No. 11 on the grounds that the interrogatory seeks information, in part, that is confidential and proprietary to TCCC. TCCC also objects to Interrogatory No. 11 on the grounds that the interrogatory seeks, in part, information that is as easily available to RC as to TCCC, and on the grounds that the interrogatory is duplicative, in part, of discovery requests previously served by RC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 11 that TCCC did not identify any third parties in response to Interrogatory No. 10. TCCC further states in response to Interrogatory No. 11 that TCCC reserves the right to supplement this response if it later supplements its response to Interrogatory No. 10.

INTERROGATORY NO. 12:

Identify all third parties who have objected to TCCC's use or registration of any of TCCC's Marks and the status of each such dispute.

RESPONSE TO INTERROGATORY NO. 12:

TCCC objects to Interrogatory No. 12 on the grounds that the interrogatory is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Interrogatory No. 12 on the grounds that the interrogatory seeks, in part, information that is as easily available to RC as to TCCC. TCCC also objects to Interrogatory No. 12 on the grounds that the phrase "objected to" is vague and ambiguous.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 12 that, in addition to RC, the following third parties have formally objected to the use and/or registration of one or more of TCCC's ZERO Marks before the Trademark Trial and Appeal Board or in a formal legal proceeding in the United States: Matt Ehrlich, Shlomo Fried and/or Mayim Tovim; Companhia de Bebidas das Americas – AMBEV; Mirza N. Baig and Bluesprings Water Co.; and High Voltage Beverages, LLC. The proceeding involving Mayim Tovim was dismissed with prejudice in favor of TCCC; the proceedings involving AMBEV are currently pending; one proceeding involving Baig and Bluesprings has been resolved through entry of a judgment in favor of TCCC and a second proceeding is currently pending; and the proceedings involving High Voltage Beverages, LLC are currently pending.

INTERROGATORY NO. 13:

Identify all third-party marks consisting of or including the word ZERO or numeral 0, or a variation of either, the use or registration of which TCCC has expressly consented or permitted through a settlement agreement, coexistence agreement or otherwise.

RESPONSE TO INTERROGATORY NO. 13:

TCCC objects to Interrogatory No. 13 on the grounds that the interrogatory is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Interrogatory No. 13 on the grounds that the interrogatory seeks information that is confidential and proprietary to TCCC.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 13 that TCCC is not aware of any third party mark that consists of or includes the word ZERO or the numeral "0," whether alone or in combination with other words, numbers or numerals, to the use or registration of which TCCC has expressly consented through a settlement agreement or coexistence agreement.

INTERROGATORY NO. 14:

Identify all third-party marks consisting of or including the word ZERO or numeral 0, or a variation of either, known or believed by TCCC to be used or registered for beverage products to which TCCC does not object.

RESPONSE TO INTERROGATORY NO. 14:

TCCC objects to Interrogatory No. 14 on the grounds that the interrogatory is overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 14 that, as Interrogatory No. 14 is understood by TCCC, there are numerous marks for beverage products that may have been used or registered in the United States by third parties that include the word ZERO or the numeral "0" to which TCCC may not object, depending on many variables, including the specifics of the mark, how it is used, the products on which it is used, the scope of the use, the manner in which the word ZERO or the numeral "0" is used, and other relevant factors. TCCC further states in response to Interrogatory No. 14 that without conducting a thorough investigation of each such mark and its use, it is not possible for TCCC to identify such marks to which it would not object.

INTERROGATORY NO. 15:

Set Forth the Basis for the allegation in Paragraph 6 of the pleading entitled "Opposition" in Opposition No. 91184434 that "Applicant's Alleged PURE ZERO Marks, when used in connection with Applicant's Goods, so resemble Opposer's ZERO Marks as to be likely to cause confusion, or to cause mistake, or to deceive with respect to the source or origin of Applicant's Goods, with respect to Opposer's sponsorship thereof or connection or affiliation therewith, and/or in other ways."

RESPONSE TO INTERROGATORY NO. 15:

TCCC objects to Interrogatory No. 15 on the grounds that it is premature and improper, as a party need not, in advance of trial, specify in detail the evidence it intends to present. See TBMP § 414(7). TCCC further objects to Interrogatory No. 15 on the grounds that it is beyond the scope of discovery, and seeks to impose on TCCC discovery obligations greater than or different from those imposed under the Federal Rules of Civil Procedure, Trademark Rules of Practice, or TBMP. TCCC also objects to Interrogatory No. 15 on the grounds that the interrogatory is vague, ambiguous and not

reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Interrogatory No. 15 on the grounds that the interrogatory seeks, in part, information protected from discovery by the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 15 that virtually every recognized likelihood of confusion factor indicates that there is a high likelihood of confusion between TCCC's ZERO Marks for soft drinks, energy drinks and sports drinks and the marks PURE ZERO for "soft drinks, and syrups and concentrates used in the preparation thereof" and DIET RITE PURE ZERO for "soft drinks and syrups used in the preparation thereof." The marks are extremely similar; the goods are virtually identical; TCCC's ZERO Marks are extremely well-known; ZERO has become recognized by consumers as an indicator that TCCC is the source of beverage products having ZERO in their name; the products are presumed to be offered throughout the same channels of trade, to be offered to the same types of customers and to be advertised and promoted using the same media; and RC had knowledge of TCCC's use of TCCC's ZERO Marks at the time it adopted RC's Marks and adopted RC's Marks in bad faith in an attempt to trade on the established goodwill of TCCC in TCCC's ZERO Marks.

INTERROGATORY NO. 16:

Set Forth the Basis for the allegation in Paragraph 8 of the pleading entitled "Opposition" in Opposition No. 91184434 that "Applicant's Alleged PURE ZERO Marks falsely suggest a connection or affiliation with Opposer," including but not limited to the basis for any allegation that

(a) Either of RC's Marks is the same as or a close approximation of the name or identify [sic] previously used by TCCC; or

(b) Either of RC's Marks would be recognized as pointing uniquely and unmistakably to TCCC.

RESPONSE TO INTERROGATORY NO. 16:

TCCC objects to Interrogatory No. 16 on the grounds that it is premature and improper, as a party need not, in advance of trial, specify in detail the evidence it intends to present. See TBMP § 414(7). TCCC further objects to Interrogatory No. 16 on the grounds that it is beyond the scope of discovery, and seeks to impose on TCCC discovery obligations greater than or different from those imposed under the Federal Rules of Civil Procedure, Trademark Rules of Practice, or TBMP. TCCC also objects to Interrogatory No. 16 on the grounds that the interrogatory is vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Interrogatory No. 16 on the grounds that the interrogatory seeks, in part, information protected from discovery by the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 16 that RC's use of RC's Marks for soft drinks, syrups and concentrates falsely suggests a connection or affiliation with TCCC for the same reasons that RC's use of RC's Marks is likely to cause confusion. TCCC incorporates by reference herein its response to Interrogatory No. 15 above.

This 25th day of March, 2009.

KING & SPALDING LLP

Bruce W. Baber
Emily B. Brown

1180 Peachtree Street
Atlanta, Georgia 30309
Telephone: 404-572-4600
Facsimile: 404-572-5134

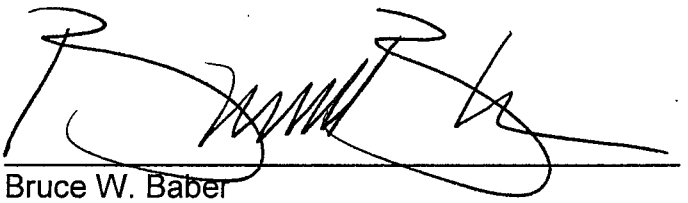
Attorneys for Applicant and Opposer
THE COCA-COLA COMPANY

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing Responses Of The Coca-Cola Company To Royal Crown's Second Set Of Interrogatories in the above-captioned matter upon Royal Crown, by causing a true and correct copy thereof to be deposited in the United States Mail, postage prepaid, addressed to counsel of record for Royal Crown as follows:

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

This 25th day of March, 2009.



Bruce W. Baber

EXHIBIT 6

Laura Popp-Rosenberg

From: Laura Popp-Rosenberg
Sent: Tuesday, March 24, 2009 8:02 PM
To: Baber, Bruce
Cc: Barbara Solomon
Subject: Royal Crown v. The Coca-Cola Company

Dear Bruce:

We have received your client's responses to Royal Crown's second set of document requests. Needless to say, we disagree with all or almost all of the objections your client has set forth. However, we will wait to address these objections until we have your client's responsive documents, so that we can better ascertain what your client may be withholding on the basis of the unfounded objections.

Toward that end, please advise us immediately of a date certain by which your client intends to make its production. We also note that we have not yet received your client's privilege log in this matter, which is long overdue and which obviously will need to be supplemented with whatever documents your client withholds from its upcoming production.

Regards,
Laura

Laura Popp-Rosenberg | Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza | New York, New York 10017
Tel: (212) 813-5943 | Fax: (212) 813-5901 | www.frosszelnick.com

EXHIBIT 7

Laura Popp-Rosenberg

From: Baber, Bruce [BBaber@KSLAW.com]
Sent: Monday, March 30, 2009 6:32 PM
To: Laura Popp-Rosenberg
Cc: Bienko Brown, Emily
Subject: RE: Royal Crown v. The Coca-Cola Company

Laura --

Thanks for your message.

I will be meeting with my client at the end of this week and will find out at that time the status of the document collection process. I will be back to you once I have some definitive information.

Best regards --

Bruce

Bruce W. Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

From: Laura Popp-Rosenberg [mailto:lpopp-rosenberg@frosszelnick.com]
Sent: Tuesday, March 24, 2009 8:02 PM
To: Baber, Bruce
Cc: Barbara Solomon
Subject: Royal Crown v. The Coca-Cola Company

Dear Bruce:

We have received your client's responses to Royal Crown's second set of document requests. Needless to say, we disagree with all or almost all of the objections your client has set forth. However, we will wait to address these objections until we have your client's responsive documents, so that we can better ascertain what your client may be withholding on the basis of the unfounded objections.

Toward that end, please advise us immediately of a date certain by which your client intends to make its production. We also note that we have not yet received your client's privilege log in this matter, which is long overdue and which obviously will need to be supplemented with whatever documents your client withholds from its upcoming production.

Regards,
Laura

Laura Popp-Rosenberg | Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza | New York, New York 10017
Tel: (212) 813-5943 | Fax: (212) 813-5901 | www.frosszelnick.com

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may be subject to legal restriction or sanction. If you think that you have received this email message in error, please reply to the sender.

EXHIBIT 8

Laura Popp-Rosenberg

From: Laura Popp-Rosenberg
Sent: Tuesday, April 07, 2009 10:13 AM
To: 'Baber, Bruce'
Cc: 'Bienko Brown, Emily'; Barbara Solomon
Subject: RE: Royal Crown v. The Coca-Cola Company

Dear Bruce:

Please advise regarding the status of your client's document production.

Regards,
Laura

From: Laura Popp-Rosenberg
Sent: Monday, March 30, 2009 8:53 PM
To: 'Baber, Bruce'
Cc: Bienko Brown, Emily; Barbara Solomon
Subject: RE: Royal Crown v. The Coca-Cola Company

Bruce:

Thanks for your email. We will look forward to a status update at the end of the week.

Regards,
Laura

From: Baber, Bruce [mailto:BBaber@KSLAW.com]
Sent: Monday, March 30, 2009 6:32 PM
To: Laura Popp-Rosenberg
Cc: Bienko Brown, Emily
Subject: RE: Royal Crown v. The Coca-Cola Company

Laura --

Thanks for your message.

I will be meeting with my client at the end of this week and will find out at that time the status of the document collection process. I will be back to you once I have some definitive information.

Best regards --

Bruce

Bruce W. Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

From: Laura Popp-Rosenberg [mailto:lpopp-rosenberg@frosszelnick.com]

Sent: Tuesday, March 24, 2009 8:02 PM
To: Baber, Bruce
Cc: Barbara Solomon
Subject: Royal Crown v. The Coca-Cola Company

Dear Bruce:

We have received your client's responses to Royal Crown's second set of document requests. Needless to say, we disagree with all or almost all of the objections your client has set forth. However, we will wait to address these objections until we have your client's responsive documents, so that we can better ascertain what your client may be withholding on the basis of the unfounded objections.

Toward that end, please advise us immediately of a date certain by which your client intends to make its production. We also note that we have not yet received your client's privilege log in this matter, which is long overdue and which obviously will need to be supplemented with whatever documents your client withholds from its upcoming production.

Regards,
Laura

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EXHIBIT 9

Laura Popp-Rosenberg

From: Laura Popp-Rosenberg
Sent: Thursday, April 23, 2009 10:09 PM
To: 'Baber, Bruce'
Cc: Barbara Solomon; Brown, Emily
Subject: RE: RC v. TCCC and TCCC v. RC -- ZERO Oppositions

Dear Bruce:

While my client would be pleased if your client were to consent to its motion to amend, it does not agree to the terms you suggested.

I am still waiting to learn from you when we can expect TCCC's document production. You stated that you would have that information for me by early April, but despite my follow-ups, I still have heard nothing from you. Please advise immediately when we can expect documents.

Regards,
Laura

From: Baber, Bruce [mailto:BBaber@KSLAW.com]
Sent: Thursday, April 23, 2009 5:56 PM
To: Laura Popp-Rosenberg
Cc: Barbara Solomon; Brown, Emily
Subject: RE: RC v. TCCC and TCCC v. RC -- ZERO Oppositions

Laura, any update on this?

Bruce

Bruce W. Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

From: Baber, Bruce
Sent: Tuesday, April 21, 2009 5:19 PM
To: Laura Popp-Rosenberg
Cc: Barbara Solomon; Brown, Emily
Subject: RE: RC v. TCCC and TCCC v. RC -- ZERO Oppositions

Hi Laura --

Just checking in to see if you have had a chance to discuss our proposal with your client.

Bruce

Bruce W. Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

From: Laura Popp-Rosenberg [mailto:lpopp-rosenberg@frosszelnick.com]
Sent: Monday, April 13, 2009 4:15 PM
To: Baber, Bruce
Cc: Brown, Emily; Barbara Solomon
Subject: RE: RC v. TCCC and TCCC v. RC -- ZERO Oppositions

Bruce:

I have not yet had a chance to confer with my client regarding your proposal below -- I had already left the office when your email came in last Thursday, and our offices were closed on Friday for the holiday weekend.

I can grant you a two-week extension for your opposition brief to the motion to amend, which will give me a chance to confer with my client. Please let me know how you'd like to proceed.

Regards,
Laura

From: Baber, Bruce [mailto:BBaber@KSLAW.com]
Sent: Thursday, April 09, 2009 3:09 PM
To: Laura Popp-Rosenberg
Cc: Brown, Emily
Subject: RC v. TCCC and TCCC v. RC -- ZERO Oppositions

Laura --

We have received Royal Crown's motion for leave to amend in the above matters, served on March 25. We believe that we have grounds to oppose the motion as to at least some of the claims RC seeks to assert, but we also recognize that the standard for amending pleadings is quite liberal.

Based on the motion and the status and history of these matters, we believe that we may be willing to consent to the requested amendment. At the same time, however, we believe that this is a good opportunity for the parties to reframe the pleadings in a way that makes the most sense and promotes the most efficient way of proceeding with these cases from here on out.

To that end, we propose the following:

We would consent to the amendment requested by RC -- i.e., to add a claim as to each of TCCC's ZERO marks that ZERO is generic -- if RC agrees to: (1) combine all of its amended pleadings into a single amended consolidated opposition that covers all of TCCC's ZERO marks, including the two as to which you have not yet

filed oppositions, namely FULL THROTTLE ZERO and VAULT ZERO; (2) include in the amended consolidated opposition the two alleged grounds of descriptiveness and genericness; and (3) eliminate from the amended opposition the alleged fraud claim that has previously been asserted as the second count of RC's oppositions as to only the first three TCCC ZERO marks opposed by RC (COCA-COLA ZERO, SPRITE ZERO and COKE ZERO) but not as to the most recent twelve TCCC ZERO marks opposed by RC in its last three consolidated oppositions. As we have previously discussed, we believe that RC's alleged fraud claims are deficient, and believe that RC has at least implicitly recognized those deficiencies by leaving the fraud claim out of the overwhelming majority of these cases.

Please let us know at your early convenience whether RC is agreeable to the above, so that we can decide how best to proceed in view of our upcoming deadline to respond to your motion.

Best regards --

Bruce

Bruce W. Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

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EXHIBIT 10

Laura Popp-Rosenberg

From: Laura Popp-Rosenberg
Sent: Monday, May 18, 2009 1:17 PM
To: Baber, Bruce
Cc: Barbara Solomon
Subject: Royal Crown/Coca-Cola

Dear Bruce:

On March 30, 2009, you stated that you would be conferring with your client in a few days about producing documents in response to Royal Crown's second set of document requests. Despite several follow-up emails to you, you have not advised as to the status of Coke's production. There seems to be no just cause for the delay. Please advise immediately as to when Coke will produce responsive documents. If Coke does not plan to produce documents in the next week, please let me know when you are available on Wednesday or Thursday to discuss this matter, so that we can take the discovery dispute to the Board if necessary.

Regards,
Laura

Laura Popp-Rosenberg | Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza | New York, New York 10017
T: (212) 813-5943 | F: (212) 813-5901 | www.frosszelnick.com

EXHIBIT 11

Laura Popp-Rosenberg

From: Baber, Bruce [BBaber@KSLAW.com]
Sent: Monday, May 18, 2009 1:28 PM
To: Laura Popp-Rosenberg
Cc: Brown, Emily
Subject: Re: Royal Crown/Coca-Cola

Laura --

Thanks for your message.

I am out of the office this week attending the INTA meeting, but would be happy to discuss when I am in the office next week.

My recollection, however, is that these cases were all suspended at your request and presumably will remain suspended until the Board rules on your motion for leave to amend -- but I will check my file to be sure that's the case. If it is and if you want to continue to proceed with discovery and other activities notwithstanding the suspension that you asked for and that fully protects you on timing, we can discuss that and figure out what makes sense for both parties.

Best --

Bruce

Bruce Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

----- Original Message -----
From: Laura Popp-Rosenberg <lpopp-rosenberg@frosszelnick.com>
To: Baber, Bruce
Cc: Barbara Solomon <BSolomon@frosszelnick.com>
Sent: Mon May 18 13:16:55 2009
Subject: Royal Crown/Coca-Cola

Dear Bruce:

On March 30, 2009, you stated that you would be conferring with your client in a few days about producing documents in response to Royal Crown's second set of document requests. Despite several follow-up emails to you, you have not advised as to the status of Coke's production. There seems to be no just cause for the delay. Please advise immediately as to when Coke will produce responsive documents. If Coke does not plan to produce documents in the next week, please let me know when you are available on Wednesday or Thursday to discuss this matter, so that we can take the discovery dispute to the Board if necessary.

Regards,
Laura

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<http://www.frosszelnick.com/>

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you think that you have received this email message in error, please reply to the sender.

EXHIBIT 12

Laura Popp-Rosenberg

From: Laura Popp-Rosenberg
Sent: Monday, May 18, 2009 1:31 PM
To: Baber, Bruce
Cc: Brown, Emily; Barbara Solomon
Subject: RE: Royal Crown/Coca-Cola

Dear Bruce:

Yes, the proceedings are suspended, but I do not believe that absolves Coke of its discovery obligations, particularly as those obligations accrued well before the suspension was put in place. Please designate a time on Monday that you are available to discuss.

Regards,
Laura

-----Original Message-----
From: Baber, Bruce [mailto:BBaber@KSLAW.com]
Sent: Monday, May 18, 2009 1:28 PM
To: Laura Popp-Rosenberg
Cc: Brown, Emily
Subject: Re: Royal Crown/Coca-Cola

Laura --

Thanks for your message.

I am out of the office this week attending the INTA meeting, but would be happy to discuss when I am in the office next week.

My recollection, however, is that these cases were all suspended at your request and presumably will remain suspended until the Board rules on your motion for leave to amend -- but I will check my file to be sure that's the case. If it is and if you want to continue to proceed with discovery and other activities notwithstanding the suspension that you asked for and that fully protects you on timing, we can discuss that and figure out what makes sense for both parties.

Best --

Bruce

Bruce Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

----- Original Message -----
From: Laura Popp-Rosenberg <lpopp-rosenberg@frosszelnick.com>
To: Baber, Bruce
Cc: Barbara Solomon <BSolomon@frosszelnick.com>
Sent: Mon May 18 13:16:55 2009
Subject: Royal Crown/Coca-Cola

Dear Bruce:

On March 30, 2009, you stated that you would be conferring with your client in a few days about producing documents in response to Royal Crown's second set of document requests. Despite several follow-up emails to you, you have not advised as to the status of Coke's production. There seems to be no just cause for the delay. Please advise immediately as to when Coke will produce responsive documents. If Coke does not plan to produce documents in the next week, please let me know when you are available on Wednesday or

Thursday to discuss this matter, so that we can take the discovery dispute to the Board if necessary.

Regards,
Laura

Laura Popp-Rosenberg | Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza | New York, New York 10017
T: (212) 813-5943 | F: (212) 813-5901 | www.frosszelnick.com
<http://www.frosszelnick.com/>

EXHIBIT 13

Laura Popp-Rosenberg

From: Laura Popp-Rosenberg
Sent: Wednesday, May 20, 2009 3:35 PM
To: Baber, Bruce
Cc: Brown, Emily; Barbara Solomon
Subject: RE: Royal Crown/Coca-Cola

Dear Bruce:

When I suggested next week for a conference call, I forgot that I will actually be out of the country. How does the week of June 1 look for you?

Thanks,
Laura

-----Original Message-----
From: Baber, Bruce [mailto:BBaber@KSLAW.com]
Sent: Monday, May 18, 2009 1:35 PM
To: Laura Popp-Rosenberg
Cc: Brown, Emily
Subject: Re: Royal Crown/Coca-Cola

Laura --

I believe next Monday May 25 is a holiday (Memorial Day) and I will be in court on Tuesday May 26. I am pretty open on the afternoon of Wednesday May 27 -- how about 2:00?

Bruce

Bruce Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

----- Original Message -----
From: Laura Popp-Rosenberg <lpopp-rosenberg@frosszelnick.com>
To: Baber, Bruce
Cc: Brown, Emily; Barbara Solomon <BSolomon@frosszelnick.com>
Sent: Mon May 18 13:31:02 2009
Subject: RE: Royal Crown/Coca-Cola

Dear Bruce:

Yes, the proceedings are suspended, but I do not believe that absolves Coke of its discovery obligations, particularly as those obligations accrued well before the suspension was put in place. Please designate a time on Monday that you are available to discuss.

Regards,
Laura

-----Original Message-----
From: Baber, Bruce [mailto:BBaber@KSLAW.com]
Sent: Monday, May 18, 2009 1:28 PM
To: Laura Popp-Rosenberg
Cc: Brown, Emily
Subject: Re: Royal Crown/Coca-Cola

Laura --

Thanks for your message.

I am out of the office this week attending the INTA meeting, but would be happy to discuss when I am in the office next week.

My recollection, however, is that these cases were all suspended at your request and presumably will remain suspended until the Board rules on your motion for leave to amend -- but I will check my file to be sure that's the case. If it is and if you want to continue to proceed with discovery and other activities notwithstanding the suspension that you asked for and that fully protects you on timing, we can discuss that and figure out what makes sense for both parties.

Best --

Bruce

Bruce Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

----- Original Message -----
From: Laura Popp-Rosenberg <lpopp-rosenberg@frosszelnick.com>
To: Baber, Bruce
Cc: Barbara Solomon <BSolomon@frosszelnick.com>
Sent: Mon May 18 13:16:55 2009
Subject: Royal Crown/Coca-Cola

Dear Bruce:

On March 30, 2009, you stated that you would be conferring with your client in a few days about producing documents in response to Royal Crown's second set of document requests. Despite several follow-up emails to you, you have not advised as to the status of Coke's production. There seems to be no just cause for the delay. Please advise immediately as to when Coke will produce responsive documents. If Coke does not plan to produce documents in the next week, please let me know when you are available on Wednesday or Thursday to discuss this matter, so that we can take the discovery dispute to the Board if necessary.

Regards,
Laura

Laura Popp-Rosenberg | Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza | New York, New York 10017
T: (212) 813-5943 | F: (212) 813-5901 | www.frosszelnick.com
<http://www.frosszelnick.com/>

EXHIBIT 14

Laura Popp-Rosenberg

From: Laura Popp-Rosenberg
Sent: Thursday, June 04, 2009 9:23 AM
To: 'Baber, Bruce'
Cc: 'Brown, Emily'
Subject: RE: Royal Crown/Coca-Cola

Dear Bruce:

I do not believe I received a response from you to the email below. In any event, I would like to schedule a conference call to discuss (i) Coke's document production; (ii) certain deficiencies in Coke's written discovery responses; and (iii) the Board's most recent order.

My schedule is difficult today, though I could be available late afternoon. Tomorrow I'm fairly flexible. Please let me know what works for you.

Regards,
Laura

-----Original Message-----
From: Laura Popp-Rosenberg
Sent: Wednesday, May 20, 2009 3:35 PM
To: Baber, Bruce
Cc: Brown, Emily; Barbara Solomon
Subject: RE: Royal Crown/Coca-Cola

Dear Bruce:

When I suggested next week for a conference call, I forgot that I will actually be out of the country. How does the week of June 1 look for you?

Thanks,
Laura

-----Original Message-----
From: Baber, Bruce [mailto:BBaber@KSLAW.com]
Sent: Monday, May 18, 2009 1:35 PM
To: Laura Popp-Rosenberg
Cc: Brown, Emily
Subject: Re: Royal Crown/Coca-Cola

Laura --

I believe next Monday May 25 is a holiday (Memorial Day) and I will be in court on Tuesday May 26. I am pretty open on the afternoon of Wednesday May 27 -- how about 2:00?

Bruce

Bruce Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

----- Original Message -----
From: Laura Popp-Rosenberg <lpopp-rosenberg@frosszelnick.com>
To: Baber, Bruce
Cc: Brown, Emily; Barbara Solomon <BSolomon@frosszelnick.com>
Sent: Mon May 18 13:31:02 2009
Subject: RE: Royal Crown/Coca-Cola

Dear Bruce:

Yes, the proceedings are suspended, but I do not believe that absolves Coke of its discovery obligations, particularly as those obligations accrued well before the suspension was put in place. Please designate a time on Monday that you are available to discuss.

Regards,
Laura

-----Original Message-----
From: Baber, Bruce [mailto:BBaber@KSLAW.com]
Sent: Monday, May 18, 2009 1:28 PM
To: Laura Popp-Rosenberg
Cc: Brown, Emily
Subject: Re: Royal Crown/Coca-Cola

Laura --

Thanks for your message.

I am out of the office this week attending the INTA meeting, but would be happy to discuss when I am in the office next week.

My recollection, however, is that these cases were all suspended at your request and presumably will remain suspended until the Board rules on your motion for leave to amend -- but I will check my file to be sure that's the case. If it is and if you want to continue to proceed with discovery and other activities notwithstanding the suspension that you asked for and that fully protects you on timing, we can discuss that and figure out what makes sense for both parties.

Best --

Bruce

Bruce Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

----- Original Message -----
From: Laura Popp-Rosenberg <lpopp-rosenberg@frosszelnick.com>
To: Baber, Bruce
Cc: Barbara Solomon <BSolomon@frosszelnick.com>
Sent: Mon May 18 13:16:55 2009
Subject: Royal Crown/Coca-Cola

Dear Bruce:

On March 30, 2009, you stated that you would be conferring with your client in a few days about producing documents in response to Royal Crown's second set of document requests. Despite several follow-up emails to you, you have not advised as to the status of Coke's production. There seems to be no just cause for the delay. Please advise immediately as to when Coke will produce responsive documents. If Coke does not plan to produce documents in the next week, please let me know when you are available on Wednesday or Thursday to discuss this matter, so that we can take the discovery dispute to the Board if necessary.

Regards,
Laura

Laura Popp-Rosenberg | Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza | New York, New York 10017
T: (212) 813-5943 | F: (212) 813-5901 | www.frosszelnick.com
<http://www.frosszelnick.com/>

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EXHIBIT 15

Laura Popp-Rosenberg

From: Laura Popp-Rosenberg
Sent: Friday, June 05, 2009 2:48 PM
To: Baber, Bruce
Cc: Brown, Emily; Barbara Solomon
Subject: Royal Crown v. Coca-Cola

Dear Bruce:

One issue I forgot to bring up during our telephone call: We request that Coke supplement its written responses to all discovery requests served to date, and its production of documents in response to those discovery requests. I disagree, and believe Rule 26(e) of the Federal Rule of Civil Procedure disagrees, with your position that a party is not obligated to supplement its discovery responses and document production without a formal request from the other side, but, in any event, consider this our formal request.

Please confirm that Coke will supplement its written responses as necessary, and will produce additional responsive documents. With regard to the additional documents, please also state the date on which Coke intends to make this supplemental production.

Regards,
Laura

Laura Popp-Rosenberg | Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza | New York, New York 10017
T: (212) 813-5943 | F: (212) 813-5901 | www.frosszelnick.com

EXHIBIT 16

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

ROYAL CROWN COMPANY, INC.,	
Opposer,	Consolidated Proceedings: Opposition No. 91178927 Opposition No. 91180771 Opposition No. 91180772
- against -	
THE COCA-COLA COMPANY,	
Applicant.	

OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT

Pursuant to 37 C.F.R. § 2.120 and Rules 26 and 33 of the Federal Rules of Civil Procedure, Opposer Royal Crown Company, Inc. hereby requests that Applicant The Coca-Cola Company answer the following interrogatories by serving written responses thereto at the offices of Royal Crown Company, Inc.'s attorneys, Fross Zelnick Lehrman & Zissu, P.C., 866 United Nations Plaza, New York, New York 10017, Attention: Laura Popp-Rosenberg, within the time specified by the Trademark Rules of Practice and the Federal Rules of Civil Procedure.

DEFINITIONS

A. The Definitions set forth in Opposer's First Set of Requests for the Production of Documents and Things to Applicant are incorporated as if fully set forth herein.

C. "Concerning" means reflecting, relating to, referring to, comprising, describing, evidencing or constituting.

B. "Set Forth the Basis" with respect to a denial of Request for Admission or a claim means to state all facts, evidence and legal bases on which Applicant to support such denial or claim and to identify all Documents Concerning such claim or denial (including both those supporting and those tending to negate the denial or claim).

INSTRUCTIONS

1. Applicant must answer each interrogatory and each part thereof separately and fully to the extent no objection is made.

2. Should Applicant claim that any particular interrogatory is beyond the scope of permissible discovery, Applicant should specify in detail each and every ground on which such claim rests. Applicant is reminded that objections based on confidentiality are not proper. *See* 35 C.F.R. § 2.116(g). Any objection to any interrogatory for which a basis has not been specifically stated within the time provided by the Federal Rules of Civil Procedure shall be waived.

3. Should Applicant find any interrogatory or any term used in an interrogatory to be vague, ambiguous, subject to varying interpretations or unclear, Applicant should identify the matter deemed to be ambiguous, vague, subject to interpretation or unclear, state its understanding of the disputed matter, and respond to the best of its ability in accordance with that understanding.

4. Should Applicant be unable to answer any interrogatory in full, Applicant should answer the interrogatory to the fullest extent possible, specify the reasons for the inability to answer the remainder, and state whatever information Applicant has concerning the unanswered portion.

5. If a claim of privilege is asserted in objecting to any interrogatory or any aspect or portion thereof, and, on the basis of such assertion, a full answer is not or will not be provided, Applicant should offer a statement signed by an attorney representing Applicant setting forth as to each such interrogatory or aspect or portion thereof the nature of the privilege (including work

product) being claimed. Applicant should answer each interrogatory and each part thereof not requesting privileged information.

6. For the convenience of the Board and the parties, Applicant should quote each interrogatory in full immediately preceding the response.

7. These interrogatories shall be deemed continuing. Should Applicant at any time after preparing and furnishing the requested information ascertain or acquire additional responsive information, Applicant should produce such supplemental information to Opposer within thirty (30) days but in no event later than the day before the trial period opens.

INTERROGATORIES

Interrogatory No. 1

Set Forth the Basis for Applicant's denial of Request for Admission No. 4.

Interrogatory No. 2

Set Forth the Basis for Applicant's denial of Request for Admission No. 5.

Interrogatory No. 3

Set Forth the Basis for Applicant's denial of Request for Admission No. 6.

Interrogatory No. 4

Set Forth the Basis for Applicant's denial of Request for Admission No. 34.

Interrogatory No. 5

Set Forth the Basis for Applicant's claim that consumers recognize ZERO as a source-identifying term.

Dated: New York, New York
April 7, 2008

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: _____
Barbara A. Solomon
Laura Popp-Rosenberg
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

Attorneys for Opposer Royal Crown Company, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of **Opposer's First Set of Interrogatories** to be deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to counsel for Applicant, Bruce Baber, Esq., King & Spalding LLP, 1185 Avenue of the Americas, New York, NY 10036-4003, this 7th day of April, 2008.

Laura Popp-Rosenberg

EXHIBIT 17

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

ROYAL CROWN COMPANY, INC.,	:	
	:	Consolidated Proceedings:
Opposer,	:	Opposition No. 91178927
	:	Opposition No. 91180771
- against -	:	Opposition No. 91180772
	:	
THE COCA-COLA COMPANY,	:	
	:	
Applicant.	:	

OPPOSER'S FIRST SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS TO APPLICANT

Pursuant to 37 C.F.R. § 2.120 and Rules 26 and 34 of the Federal Rules of Civil Procedure, Opposer Royal Crown Company, Inc. hereby requests that Applicant The Coca-Cola Company respond to the following requests for the production of documents and things by providing written responses thereto within the time specified by the Trademark Rules of Practice and the Federal Rules of Civil Procedure and by producing the documents and things specified herein for inspection and copying at the offices of Royal Crown Company Inc.'s attorneys, Fross Zelnick Lehrman & Zissu P.C., at 866 United Nations Plaza, New York, New York 10017, Attn.: Laura Popp-Rosenberg, simultaneously with the written responses or at another mutually agreed upon time and place.

DEFINITIONS

A. "Applicant" means The Coca-Cola Company and any company controlled by or affiliated with it; any division, parent, subsidiary, licensee, franchisee, successor, predecessor-in-interest, assign or other related business entity; and every officer, employee, agent, attorney or

other person acting or purporting to act on its behalf or through whom it acts or has acted, and the predecessors or successors of any of them.

B. "Applicant's Marks" means the marks COCA-COLA ZERO, COKE ZERO and SPRITE ZERO, the marks herein opposed.

C. A request "Concerning" any subject calls for all Documents or Things that reflect, relate to, comprise, evidence, constitute, describe, explicitly or implicitly refer to, were reviewed in conjunction with, or were generated as a result of the subject matter of the request, including but not limited to all Documents that reflect, record, memorialize, discuss, evaluate, consider, review or report on the subject matter of the request.

D. "Document" is used in the broadest sense possible consistent with the Federal Rules of Civil Procedure as adopted by the Trademark Rules of Practice and includes, without limitation, non-identical copies (whether different from the original because of underlining, editing marks, notes made on or attached to such copy, or otherwise), and drafts, whether printed or recorded (through a sound, video or other electronic, magnetic or digital recording system) or reproduced by hand, including but not limited to writings, recordings, photographs, letters, correspondence, purchase orders, invoices, facsimiles, telegrams, telexes, memoranda, records, summaries, minutes, records or notes of personal conversations, interviews, meetings and/or conferences, note pads, notebooks, postcards, "Post-It" notes, stenographic or other notes, opinions or reports of consultants, opinions or reports of experts, projections, financial or statistical statements or compilations, checks (front and back), contracts, agreements, appraisals, analyses, confirmations, publications, articles, books, pamphlets, circulars, microfilms, microfiche, reports, studies, logs, surveys, diaries, calendars, appointment books, maps, charts, graphs, bulletins, tape recordings, videotapes, disks, diskettes, compact discs (CDs), data tapes or

readable computer-produced interpretations or transcriptions thereof, electronically-transmitted messages (email), voicemail messages, inter-office communications, advertising, packaging and promotional materials, and any other writings, papers and tangible things of whatever description whatsoever, including but not limited to all information contained in any computer or electronic data processing system, or on any tape, whether or not already printed out or transcribed. **Without limiting the foregoing, "Documents" include electronically stored information, including any and all subsisting metadata associated therewith**.

E. When not capitalized, "mark," "trademark" and "trade name" each incorporate trademarks, service marks, trade names and service names.

F. "Market Research" includes all surveys, polls, focus groups, trademark and/or any other search reports, market research studies and other investigations, whether or not such investigations were completed, discontinued or fully carried out.

G. "Opposer " means Royal Crown Company, Inc.

H. "Person" means any natural person or any business, legal or governmental entity or association.

I. "Request for Admission No. __" refers to a specific request for admission in Opposer's First Set of Requests for Admission, served February 25, 2008.

J. "Thing" means any tangible object.

K. The use of the singular form of any word includes the plural and vice versa.

INSTRUCTIONS

1. Applicant is required to produce any and all responsive Documents in its possession, custody or control that are known or available to it, regardless of whether those Documents are possessed by it or by any agent, representative, attorney or other third party.

Applicant must make a diligent search of its records (including but not limited to paper records, computerized records, electronic mail records and voicemail records) and of other papers and materials in its possession, custody or control, including but not limited to those Documents available to it or its agents, representatives, attorneys or other third parties.

2. All Documents produced for inspection must be organized and labeled to correspond with the categories in the request or as the Documents are kept in the ordinary course. Fed. R. Civ. P. 34(b).

3. In the event Applicant produces copies of the responsive Documents, it is requested to retain the originals of all such Documents for inspection. Staples, clips, notes, tape and other items attached in any way to Documents or attaching Documents to each other should not be removed.

4. Where any copy of any Document is not identical to any other copy thereof by reason of any alteration, marginal notes, comments or other material contained there or attached thereto, or otherwise, Applicant should produce all such non-identical copies separately.

5. If there are no Documents responsive to any particular request or part thereof, Applicant should so state in writing.

6. If Applicant objects to furnishing Documents in response to any request, or any part or portion thereof, Applicant should state specifically the basis of such objection, identify the Documents to which each objection applies, and furnish all requested Documents to which the objection does not apply. Applicant is reminded that objections based on confidentiality are not proper. *See* 35 C.F.R. § 2.116(g).

7. In the event any Document is withheld on a claim of attorney/client privilege or work product immunity, Applicant should offer a statement signed by an attorney representing it identifying as to each such Document:

(a) the name of the author of the Document;

(b) the name of the sender of the Document;

(c) the names of all Persons to whom copies were sent or to whom the information contained therein was disclosed;

(d) the job title of every Person named in (1), (2), and (3) above;

(e) the date of the Document;

(f) the date on which the Document was received;

(g) a brief description of the nature and subject matter of the Document; and

(h) the statute, rule, or decision which is claimed to give rise to the privilege.

8. If, in responding to any document request, Applicant perceives any ambiguity in construing either the request or the instruction or definition relevant to the request, Applicant should identify the matter deemed ambiguous and set forth the construction chosen or used in answering the request.

9. Unless otherwise stated, these requests are limited to the United States.

10. These requests are continuing in character so as to require prompt supplemental production if Applicant obtains or discovers further responsive Documents after preparing and serving its initial responses pursuant to these requests. Applicant should serve each supplemental response no later than 30 days after discovery of further responsive Documents. In no event should Applicant serve any supplemental response later than the day before the trial period opens.

REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS

Request No. 1

All Documents supporting Applicant's denial of Request for Admission No. 4.

Request No. 2

All Documents Concerning Applicant's claim that the ZERO portion of the mark COCA-COLA ZERO is inherently distinctive.

Request No. 3

All Documents supporting Applicant's denial of Request for Admission No. 5.

Request No. 4

All Documents Concerning Applicant's claim that the ZERO portion of the mark COKE ZERO is inherently distinctive.

Request No. 5

All Documents supporting Applicant's denial of Request for Admission No. 6.

Request No. 6

All Documents Concerning Applicant's claim that the ZERO portion of the mark SPRITE ZERO is inherently distinctive.

Request No. 7

Documents or Things sufficient to show any nutritional facts appearing on packaging for products bearing Applicant's Marks.

Request No. 8

All Documents Concerning consumer understanding or perception of the term ZERO when used in connection with beverages.

Request No. 9

All Documents Concerning consumer recognition of the term ZERO as a source-identifying term

Request No. 10

All Documents supporting Applicant's denial of Request for Admission No. 34.

Request No. 11

For each advertising media used (*e.g.*, print, television, radio, internet, outdoor, point-of-sale), representative samples of publicly-disseminated advertisements for products bearing each of Applicant's Marks.

Request No. 12

Documents sufficient to show each tagline or advertising slogan considered or used in connection with products bearing any of Applicant's Marks.

Request No. 13

All press releases issued by or on behalf of Applicant Concerning products offered under or bearing any of Applicant's Marks.

Request No. 14

All Market Research Concerning any of Applicant's Marks.

Request No. 15

All Market Research Concerning consumer perception or recognition of any of Applicant's Marks.

Request No. 16

All Market Research Concerning the term ZERO used in connection with beverages.

Request No. 17

All Market Research Concerning consumer perception of the term ZERO used in connection with beverages.

Request No. 18

All Market Research Concerning consumer recognition of the term ZERO as a source-identifying term.

Request No. 19

All Market Research Concerning consumer perception of any advertising for products bearing any of Applicant's Marks.

Request No. 20

All trademark searches conducted by or on behalf of Applicant for any of Applicant's Marks.

Request No. 21

All trademark searches conducted by or on behalf of Applicant for the term ZERO.

Request No. 22

All Documents and things Concerning third party use of the term ZERO in connection with the sale, marketing, advertising or marketing of any beverage.

Dated: New York, New York
April 7, 2008

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: _____
Barbara A. Solomon
Laura Popp-Rosenberg
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

Attorneys for Opposer Royal Crown Company, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of **Opposer's First Set of Requests for the Production of Documents and Things** to be deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to counsel for Applicant, Bruce Baber, Esq., King & Spalding LLP, 1185 Avenue of the Americas, New York, NY 10036-4003, this 7th day of April, 2008.

Laura Popp-Rosenberg

EXHIBIT 18

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

ROYAL CROWN COMPANY, INC.,	:	
Opposer,	:	Consolidated Proceedings:
	:	Opposition No. 91178927
- against -	:	Opposition No. 91180771
	:	Opposition No. 91180772
THE COCA-COLA COMPANY,	:	
Applicant.	:	

OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSION

Pursuant to Rule 2.120(h) of the Trademark Rules of Practice and Rule 36 of the Federal Rules of Civil Procedure, opposer Royal Crown Company, Inc. requests that applicant The Coca-Cola Company admit the truth of the following matters by providing written responses thereto to Fross Zelnick Lehrman & Zissu, P.C., 866 United Nations Plaza, New York, New York 10017, Attention: Laura Popp-Rosenberg, within the time specified by the Trademark Rules of Practice and the Federal Rules of Civil Procedure.

DEFINITIONS

A. "Applicant" means The Coca-Cola Company and any company controlled by or affiliated with it; any division, parent, subsidiary, licensee, franchisee, successor, predecessor-in-interest, assign or other related business entity; and every officer, employee, agent, attorney or other person acting or purporting to act on its behalf or through whom it acts or has acted, and the predecessors or successors of any of them.

B. "Concerning" means relating to, referring to, describing, evidencing or constituting.

C. "Opposer " means Royal Crown Company, Inc.

D. "PTO" means the United States Patent and Trademark Office.

E. "Sugar" or "sugars" means any free mono- or disaccharide(s), such as glucose, fructose, lactose, or sucrose.

INSTRUCTIONS

1. If Applicant fails specifically to admit or deny any of the Requests for Admission (the "Requests," and each, a "Request"), or to set forth with particularity the reasons why it cannot admit or deny the given Request, the Request will be deemed admitted.

2. These Requests seek responses from Applicant that are complete and fully responsive as of the date the responses are executed, and which reflect or embody all relevant information and documentation within the custody or control of Applicant as of that date. Should Registrant later learn that any response was incomplete or incorrect when made, or although correct when made is no longer accurate, Registrant should timely supplement the response as required by Rule 26 of the Federal Rules of Civil Procedure.

3. No part of a Request shall be left unanswered merely because an objection is interposed as to any part thereof. Where Applicant makes an objection to any Request, Applicant should make the objection in writing and state all grounds with specificity.

4. For the convenience of the Board and the parties, Applicant should quote each Request in full immediately preceding the response.

REQUESTS FOR ADMISSION

1. Applicant does not claim that ZERO as used in the mark COCA-COLA ZERO is inherently distinctive.

2. Applicant does not claim that ZERO as used in the mark COKE ZERO is inherently distinctive.

3. Applicant does not claim that ZERO as used in the mark SPRITE ZERO is inherently distinctive.

4. Applicant does not have any evidence to show that ZERO as used in the mark COCA-COLA ZERO is inherently distinctive.

5. Applicant does not have any evidence to show that ZERO as used in the mark COKE ZERO is inherently distinctive.

6. Applicant does not have any evidence to show that ZERO as used in the mark SPRITE ZERO is inherently distinctive.

7. Some advertisements for beverages sold under the mark COCA-COLA ZERO state that such beverages have "zero calories."

8. Some advertisements for beverages sold under the mark COKE ZERO state that such beverages have "zero calories."

9. Some advertisements for beverages sold under the mark SPRITE ZERO state that such beverages have "zero calories."

10. Some advertisements for beverages sold under the mark COCA-COLA ZERO state that such beverages have "zero sugar."

11. Some advertisements for beverages sold under the mark COKE ZERO state that such beverages have "zero sugar."

12. Some advertisements for beverages sold under the mark SPRITE ZERO state that such beverages have "zero sugar."

13. Some advertisements for beverages sold under the mark COCA-COLA ZERO state that such beverages have "zero carbs."

14. Some advertisements for beverages sold under the mark COKE ZERO state that such beverages have "zero carbs."

15. Some advertisements for beverages sold under the mark SPRITE ZERO state that such beverages have "zero carbs."

16. Some press releases issued by Applicant concerning beverages sold under the mark COCA-COLA ZERO state that such beverages have "zero calories."

17. Some press releases issued by Applicant concerning beverages sold under the mark COKE ZERO state that such beverages have "zero calories."

18. Some press releases issued by Applicant concerning beverages sold under the mark SPRITE ZERO state that such beverages have "zero calories."

19. Some press releases issued by Applicant concerning beverages sold under the mark COCA-COLA ZERO state that such beverages have "zero sugar."

20. Some press releases issued by Applicant concerning beverages sold under the mark COKE ZERO state that such beverages have "zero sugar."

21. Some press releases issued by Applicant concerning beverages sold under the mark SPRITE ZERO state that such beverages have "zero sugar."

22. Some press releases issued by Applicant concerning beverages sold under the mark COCA-COLA ZERO state that such beverages have "zero carbs."

23. Some press releases issued by Applicant concerning beverages sold under the mark COKE ZERO state that such beverages have "zero carbs."

24. Some press releases issued by Applicant concerning beverages sold under the mark SPRITE ZERO state that such beverages have "zero carbs."

25. The "Nutrition Facts" table printed on beverage products sold under the mark COCA-COLA ZERO states that such beverages have zero calories per serving.

26. The "Nutrition Facts" table printed on beverage products sold under the mark COCA-COLA ZERO states that such beverages have zero carbohydrates per serving.

27. The "Nutrition Facts" table printed on beverage products sold under the mark COCA-COLA ZERO states that such beverages have zero sugars per serving.

28. The "Nutrition Facts" table printed on beverage products sold under the mark COKE ZERO states that such beverages have zero calories per serving.

29. The "Nutrition Facts" table printed on beverage products sold under the mark COKE ZERO states that such beverages have zero carbohydrates per serving.

30. The "Nutrition Facts" table printed on beverage products sold under the mark COKE ZERO states that such beverages have zero sugars per serving.

31. The "Nutrition Facts" table printed on beverage products sold under the mark SPRITE ZERO states that such beverages have zero calories per serving.

32. The "Nutrition Facts" table printed on beverage products sold under the mark SPRITE ZERO states that such beverages have zero carbohydrates per serving.

33. The "Nutrition Facts" table printed on beverage products sold under the mark SPRITE ZERO states that such beverages have zero sugars per serving.

34. Applicant has no evidence that consumers who see the term ZERO, standing alone, used in connection with soft drinks associate the term exclusively with Applicant.

35. At the time Applicant adopted ZERO as a part of its COCA-COLA ZERO mark, Applicant was aware of at least one third party who used the term ZERO in connection with the marketing of beverages with less than five calories per serving.

36. At the time Applicant adopted ZERO as a part of its COKE ZERO mark, Applicant was aware of at least one third party who used the term ZERO in connection with the marketing of beverages with less than five calories per serving.

37. At the time Applicant adopted ZERO as a part of its SPRITE ZERO mark, Applicant was aware of at least one third party that used the term ZERO in connection with the marketing of beverages with less than five calories per serving.

38. At the time Applicant adopted the term ZERO as part of its COCA-COLA ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the sale of beverages with less than 0.5 grams of carbohydrates per serving.

39. At the time Applicant adopted the term ZERO as part of its COCA-COLA ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the marketing of beverages with less than 0.5 grams of carbohydrates per serving.

40. At the time Applicant adopted the term ZERO as part of its COCA-COLA ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the sale of beverages with less than one gram of sugar per serving.

41. At the time Applicant adopted the term ZERO as part of its COCA-COLA ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the marketing of beverages with less than one gram of sugar per serving.

42. At the time Applicant adopted the term ZERO as part of its COKE ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the sale of beverages with less than 0.5 gram of carbohydrates per serving.

43. At the time Applicant adopted the term ZERO as part of its COKE ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the marketing of beverages with less than 0.5 grams of carbohydrates per serving.

44. At the time Applicant adopted the term ZERO as part of its COKE ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the sale of beverages with less than one gram of sugar per serving.

45. At the time Applicant adopted the term ZERO as part of its COKE ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the marketing of beverages with less than one gram of sugar per serving.

46. At the time Applicant adopted the term ZERO as part of its SPRITE ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the sale of beverages with less than 0.5 grams of carbohydrates per serving.

47. At the time Applicant adopted the term ZERO as part of its SPRITE ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the marketing of beverages with less than 0.5 grams of carbohydrates per serving.

48. At the time Applicant adopted the term ZERO as part of its SPRITE ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the sale of beverages with less than one gram of sugar per serving.

49. At the time Applicant adopted the term ZERO as part of its SPRITE ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the marketing of beverages with less than one gram of sugar per serving.

50. Applicant has never sold products under the mark ZERO standing alone.

51. Applicant has never included the term "ZERO" as part of a mark for a beverage containing more than five calories per serving.

52. Applicant intends beverages sold under the COCA-COLA ZERO mark to appeal to consumers seeking a soft drink with zero calories.

53. Applicant intends beverages sold under the COCA-COLA ZERO mark to appeal to consumers seeking a low calorie soft drink.

54. Applicant intends beverages sold under the COKE ZERO mark to appeal to consumers seeking a soft drink with zero calories.

55. Applicant intends beverages sold under the COKE ZERO mark to appeal to consumers seeking a low calorie soft drink.

56. Applicant intends beverages sold under the SPRITE ZERO mark to appeal to consumers seeking a soft drink with zero calories.

57. Applicant intends beverages sold under the SPRITE ZERO mark to appeal to consumers seeking a low calorie soft drink.

Dated: New York, New York
February 25, 2008

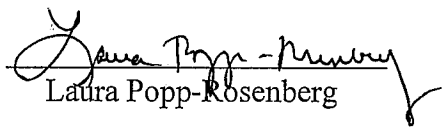
FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: _____
Barbara A. Solomon
Laura Popp-Rosenberg
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

Attorneys for Opposer Royal Crown Co., Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of **Opposer's First Set of Requests for Admission** to be deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to counsel for Applicant, Bruce Baber, Esq., King & Spalding LLP, 1185 Avenue of the Americas, New York, NY 10036-4003, this 25th day of February, 2008.



Laura Popp-Rosenberg

EXHIBIT 19

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

ROYAL CROWN COMPANY, INC.,	)	
	)	
Opposer,	)	Consolidated Proceedings:
	)	
v.	)	OPPOSITION NO. 91178927
	)	OPPOSITION NO. 91180771
THE COCA-COLA COMPANY,	)	OPPOSITION NO. 91180772
	)	
Applicant.	)	

APPLICANT'S RESPONSES TO OPPOSER'S FIRST SET OF
REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS

Applicant The Coca-Cola Company ("TCCC"), by and through its undersigned counsel and in accordance with Rule 34 of the Federal Rules of Civil Procedure and Rules 2.116 and 2.120 of the Trademark Rules of Practice, hereby responds as follows to "Opposer's First Set Of Requests For The Production Of Documents And Things To Applicant" ("Opposer's Document Requests") served by Opposer Royal Crown Company, Inc. ("Opposer") on April 7, 2008.

GENERAL OBJECTIONS

1.

TCCC objects to Opposer's Document Requests, and the "Definitions" and "Instructions" contained therein, including without limitation the purported definitions and instructions relating to the time and place of production, privilege, and the scope of knowledge or information in the possession of TCCC, on the grounds that such purported definitions and instructions are overbroad, seek documents containing redundant and irrelevant information that is neither relevant to the issues in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence, seek to impose on TCCC obligations greater than or different from those imposed under the Federal Rules of Civil Procedure and the Trademark Rules of Practice, and seek documents and information subject to the attorney-client privilege, subject to the work product doctrine, or otherwise protected from discovery. In responding to Opposer's Document Requests, TCCC shall respond in accordance with the applicable provisions of the Federal Rules of Civil Procedure and the Trademark Rules of Practice.

2.

TCCC objects to Opposer's Document Requests to the extent that they are duplicative or cumulative of each other. When discovery requests are duplicative

or cumulative, TCCC will respond to the first such discovery request, and incorporate that response in its responses to the later discovery requests.

3.

TCCC objects to Opposer's Document Requests to the extent that they seek documents not within TCCC's possession, custody, or control, or that are as easily available to Opposer as to TCCC.

4.

TCCC objects to Opposer's definition of "Applicant" to the extent that it purports to include attorneys and other persons not employed by TCCC. In responding to Opposer's Document Requests, TCCC will respond on behalf of The Coca-Cola Company, the Applicant in these proceedings.

5.

TCCC objects to each of Opposer's Document Requests to the extent that they seek "all" documents. TCCC has conducted a reasonable investigation and search with respect to the documents responsive to Opposer's Document Requests. To the extent Opposer's Document Requests seek to impose a greater burden on TCCC, they are unduly burdensome, overbroad, and not reasonably calculated to lead to the discovery of admissible evidence. TCCC's investigation of this matter

is continuing, and TCCC reserves the right to supplement these responses as it deems necessary.

6.

TCCC objects to each of Opposer's Document Requests to the extent that the document request seeks documents containing information that is confidential or proprietary to TCCC. TCCC reserves the right to withhold otherwise responsive, discoverable, non-objectionable and non-privileged information until after entry of an appropriate protective order.

RESPONSES AND OBJECTIONS TO DOCUMENT REQUESTS

Subject to and without waiving any of the foregoing General Objections, TCCC responds as follows to Opposer's separately-numbered document requests:

REQUEST NO. 1:

All Documents supporting Applicant's denial of Request for Admission No. 4.

RESPONSE TO REQUEST NO. 1:

TCCC objects to Request No. 1 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 1 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also objects to Request No. 1 on the grounds that the request seeks

documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 1 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable, non-privileged documents that reflect the facts that form the basis for TCCC's response to Opposer's Request for Admission No. 4.

REQUEST NO. 2:

All Documents Concerning Applicant's claim that the ZERO portion of the mark COCA-COLA ZERO is inherently distinctive.

RESPONSE TO REQUEST NO. 2:

TCCC objects to Request No. 2 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 2 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also objects to Request No. 2 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 2 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable,

non-privileged documents that relate to the inherent distinctiveness of the word ZERO as used in TCCC's COCA-COLA ZERO mark.

REQUEST NO. 3:

All Documents supporting Applicant's denial of Request for Admission No. 5.

RESPONSE TO REQUEST NO. 3:

TCCC objects to Request No. 3 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 3 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also objects to Request No. 3 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 3 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable, non-privileged documents that reflect the facts that form the basis for TCCC's response to Opposer's Request for Admission No. 5.

REQUEST NO. 4:

All Documents Concerning Applicant's claim that the ZERO portion of the mark COKE ZERO is inherently distinctive.

RESPONSE TO REQUEST NO. 4:

TCCC objects to Request No. 4 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 4 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also objects to Request No. 4 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 4 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable, non-privileged documents that relate to the inherent distinctiveness of the word ZERO as used in TCCC's COKE ZERO mark.

REQUEST NO. 5:

All Documents supporting Applicant's denial of Request for Admission No. 6.

RESPONSE TO REQUEST NO. 5:

TCCC objects to Request No. 5 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 5 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also objects to Request No. 5 on the grounds that the request seeks

documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 5 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable, non-privileged documents that reflect the facts that form the basis for TCCC's response to Opposer's Request for Admission No. 6.

REQUEST NO. 6:

All Documents Concerning Applicant's claim that the ZERO portion of the mark SPRITE ZERO is inherently distinctive.

RESPONSE TO REQUEST NO. 6:

TCCC objects to Request No. 6 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 6 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also objects to Request No. 6 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 6 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable,

non-privileged documents that relate to the inherent distinctiveness of the word ZERO included in TCCC's SPRITE ZERO mark.

REQUEST NO. 7:

Documents or Things sufficient to show any nutritional facts appearing on packaging for products bearing Applicant's Marks.

RESPONSE TO REQUEST NO. 7:

TCCC objects to Request No. 7 on the grounds that it is vague, ambiguous and seeks documents that are confidential and proprietary to TCCC.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 7 that TCCC will produce, upon entry of and subject to an appropriate protective order, documents sufficient to show the nutritional facts that have appeared on the packaging for TCCC's COCA-COLA ZERO, COKE ZERO and SPRITE ZERO products.

REQUEST NO. 8:

All Documents Concerning consumer understanding or perception of the term ZERO when used in connection with beverages.

RESPONSE TO REQUEST NO. 8:

TCCC objects to Request No. 8 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 8 on the grounds that it seeks documents that are confidential and proprietary to TCCC.

TCCC also objects to Request No. 8 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 8 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable, non-privileged responsive documents in its possession, custody or control, if any exist, regarding consumer understanding of the term ZERO when used in connection with beverage products.

REQUEST NO. 9:

All Documents Concerning consumer recognition of the term ZERO as a source-identifying term.

RESPONSE TO REQUEST NO. 9:

TCCC objects to Request No. 9 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 9 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also objects to Request No. 9 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 9 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable, non-privileged responsive documents in its possession, custody or control regarding consumer recognition of the term ZERO as a source-identifying term.

REQUEST NO. 10:

All Documents supporting Applicant's denial of Request for Admission No. 34.

RESPONSE TO REQUEST NO. 10:

TCCC objects to Request No. 10 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 10 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also objects to Request No. 10 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 10 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable, non-privileged responsive documents that reflect the facts that form the basis for TCCC's response to Opposer's Request for Admission No. 34.

REQUEST NO. 11:

For each advertising media used (*e.g.*, print, television, radio, internet, outdoor, point-of-sale), representative samples of publicly-disseminated advertisements for products bearing each of Applicant's Marks.

RESPONSE TO REQUEST NO. 11:

TCCC objects to Request No. 11 on the grounds that it is vague and ambiguous.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 11 that TCCC will produce, upon entry of and subject to an appropriate protective order, examples of advertisements for TCCC's COCA-COLA ZERO, SPRITE ZERO and COKE ZERO products that have been publicly disseminated in the United States.

REQUEST NO. 12:

Documents sufficient to show each tagline or advertising slogan considered or used in connection with products bearing any of Applicant's Marks.

RESPONSE TO REQUEST NO. 12:

TCCC objects to Request No. 12 on the grounds that it is overbroad, unduly burdensome, vague and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 12 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also

objects to Request No. 12 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 12 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable, non-privileged responsive documents sufficient to show taglines or advertising slogans for TCCC's COCA-COLA ZERO, SPRITE ZERO and/or COKE ZERO products that have been used in the United States.

REQUEST NO. 13:

All press releases issued by or on behalf of Applicant Concerning products offered under or bearing any of Applicant's Marks.

RESPONSE TO REQUEST NO. 13:

TCCC objects to Request No. 13 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 13 that TCCC will produce, upon entry of and subject to an appropriate protective order, press releases issued by or on behalf of TCCC concerning TCCC's COCA-COLA ZERO, SPRITE ZERO and/or COKE ZERO products sold in the United States.

REQUEST NO. 14:

All Market Research Concerning any of Applicant's Marks.

RESPONSE TO REQUEST NO. 14:

TCCC objects to Request No. 14 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 14 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also objects to Request No. 14 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine and that are neither relevant to any issues in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 14 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable, non-privileged responsive documents in its possession, custody or control, if any exist, reflecting the results of marketing research in the United States regarding TCCC's COCA-COLA ZERO, SPRITE ZERO and/or COKE ZERO marks.

REQUEST NO. 15:

All Market Research Concerning consumer perception or recognition of any of Applicant's Marks.

RESPONSE TO REQUEST NO. 15:

TCCC objects to Request No. 15 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 15 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also objects to Request No. 15 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine. TCCC further objects to Request No. 15 on the grounds that it is duplicative of Request No. 14.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 15 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable, non-privileged responsive documents in its possession, custody or control, if any exist, reflecting the results of marketing research regarding consumer perception or recognition of TCCC's COCA-COLA ZERO, SPRITE ZERO and/or COKE ZERO marks in the United States.

REQUEST NO. 16:

All Market Research Concerning the term ZERO used in connection with beverages.

RESPONSE TO REQUEST NO. 16:

TCCC objects to Request No. 16 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 16 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also objects to Request No. 16 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine and that are neither relevant to any issues in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 16 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable, non-privileged documents in its possession, custody or control, if any exist, reflecting the results of marketing research regarding the use of the term ZERO in connection with beverages in the United States.

REQUEST NO. 17:

All Market Research Concerning consumer perception of the term ZERO used in connection with beverages.

RESPONSE TO REQUEST NO. 17:

TCCC objects to Request No. 17 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 17 on

the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also objects to Request No. 17 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine. TCCC further objects to Request No. 17 on the grounds that it is duplicative of Requests Nos. 8 and 16.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 17 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable, non-privileged responsive documents in its possession, custody or control, if any exist, reflecting the results of marketing research regarding consumer perception of the use of the term ZERO in connection with beverages in the United States.

REQUEST NO. 18:

All Market Research Concerning consumer recognition of the term ZERO as a source-identifying term.

RESPONSE TO REQUEST NO. 18:

TCCC objects to Request No. 18 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 18 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also objects to Request No. 18 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product

doctrine. TCCC further objects to Request No. 18 on the grounds that it is duplicative of Requests Nos. 9 and 16.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 18 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable, non-privileged responsive documents in its possession, custody or control, if any exist, reflecting the results of marketing research regarding consumer recognition of the term ZERO as a source-identifying term in the United States.

REQUEST NO. 19:

All Market Research Concerning consumer perception of any advertising for products bearing any of Applicant's Marks.

RESPONSE TO REQUEST NO. 19:

TCCC objects to Request No. 19 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 19 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also objects to Request No. 19 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine. TCCC further objects to Request No. 19 on the grounds that it is in part duplicative of Request No. 14.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 19 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable, non-privileged responsive documents in its possession, custody or control, if any exist, reflecting the results of marketing research regarding consumer perception of advertising for TCCC's products bearing TCCC's COCA-COLA ZERO, SPRITE ZERO and/or COKE ZERO marks in the United States.

REQUEST NO. 20:

All trademark searches conducted by or on behalf of Applicant for any of Applicant's Marks.

RESPONSE TO REQUEST NO. 20:

TCCC objects to Request No. 20 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 20 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also objects to Request No. 20 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine and that are neither relevant to any issues in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 21:

All trademark searches conducted by or on behalf of Applicant for the term ZERO.

RESPONSE TO REQUEST NO. 21:

TCCC objects to Request No. 21 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. TCCC further objects to Request No. 21 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also objects to Request No. 21 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine and that are neither relevant to any issues in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 22:

All Documents and things Concerning third party use of the term ZERO in connection with the sale, marketing, advertising or marketing of any beverage.

RESPONSE TO REQUEST NO. 22:

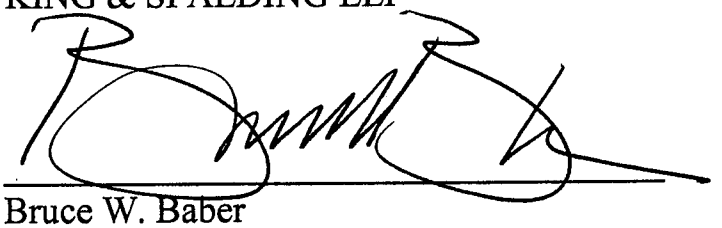
TCCC objects to Request No. 22 on the grounds that it is overbroad, unduly burdensome, vague and not reasonably calculated to lead to the discovery of admissible evidence. TCCC further objects to Request No. 22 on the grounds that it seeks documents that are confidential and proprietary to TCCC. TCCC also

objects to Request No. 22 on the grounds that the request seeks documents that are subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and the general objections set forth above, TCCC states in response to Request No. 22 that TCCC will produce, upon entry of and subject to an appropriate protective order, non-objectionable, non-privileged documents in its possession, custody or control, if any exist, that reflect the use by any party other than TCCC of the term ZERO as a trademark or as part of a trademark in connection with the sale, marketing, or advertising of any beverage products in the United States.

This 14th day of May, 2008.

KING & SPALDING LLP



Bruce W. Baber
Emily Bienko Brown

1180 Peachtree Street
Atlanta, Georgia 30309
(404) 572-4600

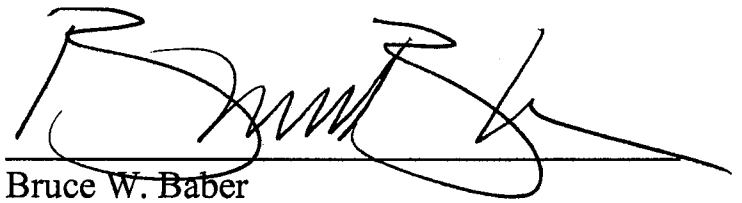
Attorneys for Applicant
THE COCA-COLA COMPANY

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing Applicant's Responses To Opposer's First Set Of Document Requests To Applicant in the above-captioned matter upon Opposer, by causing a true and correct copy thereof to be deposited in the United States Mail, postage prepaid, addressed to Opposer's counsel of record as follows:

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

This 14th day of May, 2008.



Bruce W. Baber

EXHIBIT 20

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

ROYAL CROWN COMPANY, INC.,	)	
	)	
Opposer,	)	Consolidated Proceedings:
	)	
v.	)	OPPOSITION NO. 91178927
	)	OPPOSITION NO. 91180771
THE COCA-COLA COMPANY,	)	OPPOSITION NO. 91180772
	)	
Applicant.	)	

APPLICANT'S RESPONSES TO
OPPOSER'S FIRST SET OF INTERROGATORIES

Applicant The Coca-Cola Company ("TCCC"), by and through its undersigned counsel, and in accordance with Rules 26 and 33 of the Federal Rules of Civil Procedure and Rules 2.116 and 2.120 of the Trademark Rules of Practice, hereby responds as follows to "Opposer's First Set Of Interrogatories To Applicant" ("Opposer's First Interrogatories") served by Opposer Royal Crown Company, Inc. ("Opposer") on April 7, 2008.

GENERAL OBJECTIONS

1.

TCCC objects to Opposer's First Interrogatories, and the "Definitions" and "Instructions" contained therein, including without limitation the purported definitions and instructions relating to privilege, documents, and the scope of knowledge or information in the possession of TCCC, on the grounds that such purported definitions and instructions are overbroad, seek redundant and irrelevant information that is neither relevant to the issues in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence, seek to impose on TCCC obligations greater than or different from those imposed under the Federal Rules of Civil Procedure and the Trademark Rules of Practice, and seek documents and information subject to the attorney-client privilege, subject to the work product doctrine, or otherwise protected from discovery. In responding to Opposer's First Interrogatories, TCCC shall respond in accordance with the applicable provisions of the Federal Rules of Civil Procedure and the Trademark Rules of Practice.

2.

TCCC objects to Opposer's First Interrogatories to the extent that they are duplicative or cumulative of each other. When discovery requests are duplicative

or cumulative, TCCC will respond to the first such discovery request, and incorporate that response in its responses to the later discovery requests.

3.

TCCC objects to Opposer's First Interrogatories to the extent that they seek information not within TCCC's possession, custody, or control, or that is as easily available to Opposer as to TCCC.

4.

TCCC objects to Opposer's definition of "Applicant" to the extent that it purports to include attorneys and other persons not employed by TCCC. In responding to Opposer's First Interrogatories, TCCC will respond on behalf of The Coca-Cola Company, the Applicant in these proceedings.

5.

TCCC objects to each of Opposer's First Interrogatories to the extent that they seek "all" information. TCCC has conducted a reasonable investigation and search with respect to information responsive to Opposer's First Interrogatories. To the extent Opposer's First Interrogatories seek to impose a greater burden on TCCC, they are unduly burdensome, overbroad, and not reasonably calculated to lead to the discovery of admissible evidence. TCCC's investigation of this matter

is continuing, and TCCC reserves the right to supplement these responses as it deems necessary.

6.

TCCC objects to each of Opposer's First Interrogatories to the extent that the interrogatory seeks information that is confidential or proprietary to TCCC. TCCC reserves the right to withhold otherwise responsive, discoverable, non-objectionable and non-privileged information until after entry of an appropriate protective order.

RESPONSES AND OBJECTIONS TO INTERROGATORIES

Subject to and without waiving any of the foregoing General Objections, TCCC responds as follows to Opposer's separately-numbered interrogatories:

INTERROGATORY NO. 1:

Set Forth the Basis for Applicant's denial of Request for Admission No. 4.

RESPONSE TO INTERROGATORY NO. 1:

TCCC objects to Interrogatory No. 1 on the grounds that the interrogatory is overbroad, unduly burdensome and calls for a legal conclusion or analysis. TCCC further objects to Interrogatory No. 1 on the grounds that it seeks information that is confidential and proprietary to TCCC as well as information that is subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 1 that TCCC's denial of Request for Admission No. 4 is based on the fact that ZERO, as used in TCCC's COCA-COLA ZERO mark, is suggestive because it has a sufficient degree of ambiguity such that it is not merely descriptive of an ingredient, characteristic, feature or purpose of TCCC's goods. TCCC further states in response to Interrogatory No. 1 that the word ZERO as used in TCCC's COCA-COLA ZERO mark does not convey anything specific about TCCC's goods without additional information, investigation, or further thought because the word ZERO as used in the mark COCA-COLA ZERO has no specific fixed and discernable meaning that would be readily apparent to a consumer.

INTERROGATORY NO. 2:

Set Forth the Basis for Applicant's denial of Request for Admission No. 5.

RESPONSE TO INTERROGATORY NO. 2:

TCCC objects to Interrogatory No. 2 on the grounds that the interrogatory is overbroad, unduly burdensome and calls for a legal conclusion or analysis. TCCC further objects to Interrogatory No. 2 on the grounds that it seeks information that is confidential and proprietary to TCCC as well as information that is subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 2 that TCCC's denial of Request for Admission No. 5 is based on the fact that ZERO, as used in TCCC's COKE ZERO mark, is suggestive because it has a sufficient degree of ambiguity such that it is not merely descriptive of an ingredient, characteristic, feature or purpose of TCCC's goods. TCCC further states in response to Interrogatory No. 2 that the word ZERO as used in TCCC's COKE ZERO mark does not convey anything specific about TCCC's goods without additional information, investigation, or further thought because the word ZERO as used in the mark COKE ZERO has no specific fixed and discernable meaning that would be readily apparent to a consumer.

INTERROGATORY NO. 3:

Set Forth the Basis for Applicant's denial of Request for Admission No. 6.

RESPONSE TO INTERROGATORY NO. 3:

TCCC objects to Interrogatory No. 3 on the grounds that the interrogatory is overbroad, unduly burdensome and calls for a legal conclusion or analysis. TCCC further objects to Interrogatory No. 3 on the grounds that it seeks information that is confidential and proprietary to TCCC as well as information that is subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 3 that TCCC's denial of Request for Admission No. 6 is based on the fact that ZERO, as used in TCCC's SPRITE ZERO mark, is suggestive because it has a sufficient degree of ambiguity such that it is not merely descriptive of an ingredient, characteristic, feature or purpose of TCCC's goods. TCCC further states in response to Interrogatory No. 3 that the word ZERO as used in TCCC's SPRITE ZERO mark does not convey anything specific about TCCC's goods without additional information, investigation, or further thought because the word ZERO as used in the mark SPRITE ZERO has no specific fixed and discernable meaning that would be readily apparent to a consumer.

INTERROGATORY NO. 4:

Set Forth the Basis for Applicant's denial of Request for Admission No. 34.

RESPONSE TO INTERROGATORY NO. 4:

TCCC objects to Interrogatory No. 4 on the grounds that the interrogatory is overbroad and unduly burdensome. TCCC further objects to Interrogatory No. 4 on the grounds that it seeks information that is confidential and proprietary to TCCC as well as information that is subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 4 that TCCC's denial of Request for Admission No. 34 is based in part on the fact that the request is vague, ambiguous, and the meaning of certain phrases in the request is unclear within the context of the request. TCCC further states that in response to Interrogatory No. 4 that the evidence submitted to the U.S. Patent and Trademark Office and similar evidence regarding the advertising and sales of TCCC's products in connection with which TCCC uses TCCC's COCA-COLA ZERO, COKE ZERO, SPRITE ZERO and other marks that include ZERO and regarding the media articles regarding such products support TCCC's denial of Request for Admission No. 34.

INTERROGATORY NO. 5:

Set Forth the Basis for Applicant's claim that consumers recognize ZERO as a source-identifying term.

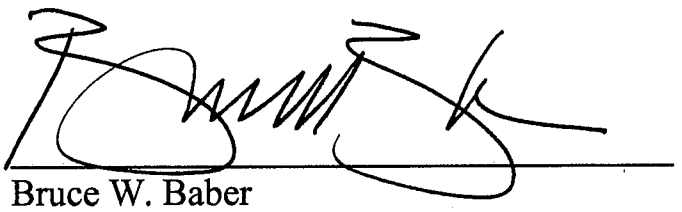
RESPONSE TO INTERROGATORY NO. 5:

TCCC objects to Interrogatory No. 5 on the grounds that the interrogatory is overbroad and unduly burdensome. TCCC further objects to Interrogatory No. 5 on the grounds that it seeks information that is confidential and proprietary to TCCC as well as information that is subject to the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing and all general objections set forth above, TCCC states in response to Interrogatory No. 5 that TCCC has engaged in extended and extensive commercial activities that have resulted in the recognition by consumers and the industry of the term ZERO as a source-identifying term for TCCC's products. TCCC further states that TCCC has made continuous use of its ZERO marks and that ZERO is an element of a number of different trademarks owned and used by TCCC, which reinforces the source-identifying function of ZERO as an element of TCCC's marks. As a result of this continuous use, extensive promotional and advertising activities by TCCC, and unsolicited media coverage, the purchasing public has come to view ZERO, when used as an element of a beverage product name, as an indicator of origin identifying TCCC.

This 14th day of May, 2008.

KING & SPALDING LLP



Bruce W. Baber
Emily Bienko Brown

1180 Peachtree Street
Atlanta, Georgia 30309
(404) 572-4600

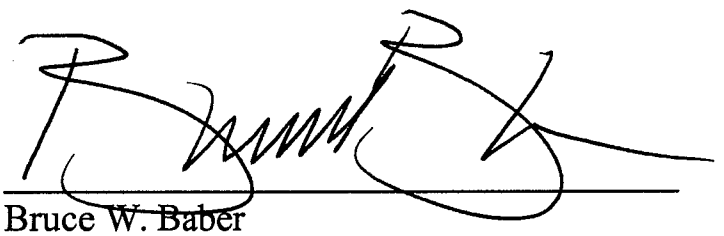
Attorneys for Applicant
THE COCA-COLA COMPANY

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing Applicant's Responses To Opposer's First Set Of Interrogatories To Applicant in the above-captioned matter upon Opposer, by causing a true and correct copy thereof to be deposited in the United States Mail, postage prepaid, addressed to Opposer's counsel of record as follows:

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

This 14th day of May, 2008.



Bruce W. Baber

EXHIBIT 21

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

ROYAL CROWN COMPANY, INC.,	)	
	)	
Opposer,	)	Consolidated Proceedings:
	)	
v.	)	Opposition No. 91178927
	)	Opposition No. 91180771
THE COCA-COLA COMPANY,	)	Opposition No. 91180772
	)	
Applicant.	)	

APPLICANT'S RESPONSES AND OBJECTIONS TO
OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSION

Applicant The Coca-Cola Company ("TCCC"), by and through its undersigned counsel and in accordance with Rule 36 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, hereby responds as follows to "Opposer's First Set Of Requests For Admission" ("Opposer's Requests for Admission") served by Opposer Royal Crown Company, Inc. ("Opposer") on February 25, 2008.

GENERAL OBJECTIONS

1.

TCCC objects to Opposer's Requests for Admission, and the "Definitions" and "Instructions" contained therein, to the extent that they can be construed to

impose on TCCC obligations greater than or different from those imposed by the applicable Federal Rules of Civil Procedure and the Trademark Rules of Practice. TCCC responds herein to Opposer's Requests for Admission in accordance with those rules and not necessarily in accordance with Opposer's instructions.

2.

TCCC objects to Opposer's Requests for Admission to the extent they seek information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Such information shall not be provided in response to Opposer's Requests for Admission, and any inadvertent disclosure thereof shall not be deemed a waiver of any privilege or protection with respect to such information.

3.

TCCC objects to Opposer's Requests for Admission to the extent that they seek information that is neither relevant to the subject matter involved in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

4.

TCCC objects to Opposer's Requests for Admission to the extent that they are overbroad, unduly burdensome, redundant and unreasonable in scope.

5.

The following responses reflect and are based on TCCC's present knowledge, information and belief and may be subject to change or modification based on TCCC's further investigation, on further discovery, or on facts and circumstances that may come to TCCC's knowledge after the date of service of these responses.

RESPONSES AND OBJECTIONS

Subject to and without waiving any of the foregoing General Objections, TCCC responds as follows to Opposer's separately-numbered requests:

1.

Applicant does not claim that ZERO as used in the mark COCA-COLA ZERO is inherently distinctive.

Response: TCCC objects to Request No. 1 on the grounds that the phrase "as used in the mark" is vague and ambiguous. TCCC also objects to this request on the grounds that it is vague and ambiguous as purporting to request the admission of a negative.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 1.

2.

Applicant does not claim that ZERO as used in the mark COKE ZERO is inherently distinctive.

Response: TCCC objects to Request No. 2 on the grounds that the phrase "as used in the mark" is vague and ambiguous. TCCC also objects to this request on the grounds that it is vague and ambiguous as purporting to request the admission of a negative.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 2.

3.

Applicant does not claim that ZERO as used in the mark SPRITE ZERO is inherently distinctive.

Response: TCCC objects to Request No. 3 on the grounds that the phrase "as used in the mark" is vague and ambiguous. TCCC also objects to this request on the grounds that it is vague and ambiguous as purporting to request the admission of a negative.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 3.

4.

Applicant does not have any evidence to show that ZERO as used in the mark COCA-COLA ZERO is inherently distinctive.

Response: TCCC objects to Request No. 4 on the grounds that the phrase "as used in the mark" is vague and ambiguous. TCCC also objects to this request on the grounds that it is vague and ambiguous as purporting to request the admission of a negative.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 4.

5.

Applicant does not have any evidence to show that ZERO as used in the mark COKE ZERO is inherently distinctive.

Response: TCCC objects to Request No. 5 on the grounds that the phrase "as used in the mark" is vague and ambiguous. TCCC also objects to this request on the grounds that it is vague and ambiguous as purporting to request the admission of a negative.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 5.

6.

Applicant does not have any evidence to show that ZERO as used in the mark SPRITE ZERO is inherently distinctive.

Response: TCCC objects to Request No. 6 on the grounds that the phrase "as used in the mark" is vague and ambiguous. TCCC also objects to this request

on the grounds that it is vague and ambiguous as purporting to request the admission of a negative.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 6.

7.

Some advertisements for beverages sold under the mark COCA-COLA ZERO state that such beverages have "zero calories."

Response: TCCC objects to Request No. 7 on the grounds that the request is vague, ambiguous and potentially misleading, and on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 7 as stated. In further response to Request No. 7, TCCC admits that the phrase "zero calories" has been used or is being used in advertisements and/or promotional materials in the United States for TCCC's COCA-COLA ZERO / COKE ZERO beverage products separate and apart from, and in addition to, TCCC's use of the marks COCA-COLA ZERO and/or COKE ZERO.

8.

Some advertisements for beverages sold under the mark COKE ZERO state that such beverages have "zero calories."

Response: TCCC objects to Request No. 8 on the grounds that the request is vague, ambiguous and potentially misleading, and on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 8 as stated. In further response to Request No. 8, TCCC admits that the phrase "zero calories" has been used or is being used in advertisements and/or promotional materials in the United States for TCCC's COKE ZERO / COCA-COLA ZERO beverage products separate and apart from, and in addition to, TCCC's use of the marks COKE ZERO and/or COCA-COLA ZERO.

9.

Some advertisements for beverages sold under the mark SPRITE ZERO state that such beverages have "zero calories."

Response: TCCC objects to Request No. 9 on the grounds that the request is vague, ambiguous and potentially misleading, and on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 9 as stated. In further response to Request No. 9, TCCC admits that the phrase "zero calories" has been used or is being used in advertisements and/or promotional materials in the United States for TCCC's SPRITE ZERO beverage

products separate and apart from, and in addition to, TCCC's use of the mark SPRITE ZERO.

10.

Some advertisements for beverages sold under the mark COCA-COLA ZERO state that such beverages have "zero sugar."

Response: TCCC objects to Request No. 10 on the grounds that the request is vague, ambiguous and potentially misleading, and on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 10 as stated. In further response to Request No. 10, TCCC admits that the phrase "zero sugar" has been used or is being used in advertisements and/or promotional materials in the United States for TCCC's COCA-COLA ZERO / COKE ZERO beverage products separate and apart from, and in addition to, TCCC's use of the marks COCA-COLA ZERO and/or COKE ZERO.

11.

Some advertisements for beverages sold under the mark COKE ZERO state that such beverages have "zero sugar."

Response: TCCC objects to Request No. 11 on the grounds that the request is vague, ambiguous and potentially misleading, and on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 11 as stated. In further response to Request No. 11, TCCC admits that the phrase "zero sugar" has been used or is being used in advertisements and/or promotional materials in the United States for TCCC's COKE ZERO / COCA-COLA ZERO beverage products separate and apart from, and in addition to, TCCC's use of the marks COKE ZERO and/or COCA-COLA ZERO.

12.

Some advertisements for beverages sold under the mark SPRITE ZERO state that such beverages have "zero sugar."

Response: TCCC objects to Request No. 12 on the grounds that the request is vague, ambiguous and potentially misleading, and on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 12 as stated. In further response to Request No. 12, TCCC admits that the phrase "zero sugar" has been used or is being used in advertisements and/or promotional materials in the United States for TCCC's SPRITE ZERO beverage products separate and apart from, and in addition to, TCCC's use of the mark SPRITE ZERO.

13.

Some advertisements for beverages sold under the mark COCA-COLA ZERO state that such beverages have "zero carbs."

Response: TCCC objects to Request No. 13 on the grounds that the request is vague, ambiguous and potentially misleading, and on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 13 as stated. TCCC's investigation of the subject matter of Request No. 13 is continuing, and TCCC reserves the right to supplement this response if necessary based on the results of TCCC's continuing investigation.

14.

Some advertisements for beverages sold under the mark COKE ZERO state that such beverages have "zero carbs."

Response: TCCC objects to Request No. 14 on the grounds that the request is vague, ambiguous and potentially misleading, and on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 14 as stated. TCCC's investigation of the subject matter of Request No. 14 is continuing, and TCCC reserves the right to supplement this response if necessary based on the results of TCCC's continuing investigation.

15.

Some advertisements for beverages sold under the mark SPRITE ZERO state that such beverages have "zero carbs."

Response: TCCC objects to Request No. 15 on the grounds that the request is vague, ambiguous and potentially misleading, and on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 15 as stated. TCCC's investigation of the subject matter of Request No. 15 is continuing, and TCCC reserves the right to supplement this response if necessary based on the results of TCCC's continuing investigation.

16.

Some press releases issued by Applicant concerning beverages sold under the mark COCA-COLA ZERO state that such beverages have "zero calories."

Response: TCCC objects to Request No. 16 on the grounds that the request is vague, ambiguous and potentially misleading. TCCC further objects to the request on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 16 as stated. In further response to Request No. 16, TCCC admits that the phrase "zero calories" has been used in press releases issued by TCCC in the

United States concerning its COCA-COLA ZERO / COKE ZERO beverage products separate and apart from TCCC's use of the marks COCA-COLA ZERO and/or COKE ZERO.

17.

Some press releases issued by Applicant concerning beverages sold under the mark COKE ZERO state that such beverages have "zero calories."

Response: TCCC objects to Request No. 17 on the grounds that the request is vague, ambiguous and potentially misleading. TCCC further objects to the request on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 17 as stated. In further response to Request No. 17, TCCC admits that the phrase "zero calories" has been used in press releases issued by TCCC in the United States concerning its COKE ZERO / COCA-COLA ZERO beverage products separate and apart from TCCC's use of the marks COKE ZERO and/or COCA-COLA ZERO.

18.

Some press releases issued by Applicant concerning beverages sold under the mark SPRITE ZERO state that such beverages have "zero calories."

Response: TCCC objects to Request No. 18 on the grounds that the request is vague, ambiguous and potentially misleading. TCCC further objects to the request on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 18 as stated. TCCC's investigation of the subject matter of Request No. 18 is continuing, and TCCC reserves the right to supplement this response if necessary based on the results of TCCC's continuing investigation.

19.

Some press releases issued by Applicant concerning beverages sold under the mark COCA-COLA ZERO state that such beverages have "zero sugar."

Response: TCCC objects to Request No. 19 on the grounds that the request is vague, ambiguous and potentially misleading. TCCC further objects to the request on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 19 as stated. TCCC's investigation of the subject matter of Request No. 19 is continuing, and TCCC reserves the right to supplement this response if necessary based on the results of TCCC's continuing investigation.

20.

Some press releases issued by Applicant concerning beverages sold under the mark COKE ZERO state that such beverages have "zero sugar."

Response: TCCC objects to Request No. 20 on the grounds that the request is vague, ambiguous and potentially misleading. TCCC further objects to the request on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 20 as stated. TCCC's investigation of the subject matter of Request No. 20 is continuing, and TCCC reserves the right to supplement this response if necessary based on the results of TCCC's continuing investigation.

21.

Some press releases issued by Applicant concerning beverages sold under the mark SPRITE ZERO state that such beverages have "zero sugar."

Response: TCCC objects to Request No. 21 on the grounds that the request is vague, ambiguous and potentially misleading. TCCC further objects to the request on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 21 as stated. TCCC's investigation of the subject matter of Request

No. 21 is continuing, and TCCC reserves the right to supplement this response if necessary based on the results of TCCC's continuing investigation.

22.

Some press releases issued by Applicant concerning beverages sold under the mark COCA-COLA ZERO state that such beverages have "zero carbs."

Response: TCCC objects to Request No. 22 on the grounds that the request is vague, ambiguous and potentially misleading. TCCC further objects to the request on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 22 as stated. TCCC's investigation of the subject matter of Request No. 22 is continuing, and TCCC reserves the right to supplement this response if necessary based on the results of TCCC's continuing investigation.

23.

Some press releases issued by Applicant concerning beverages sold under the mark COKE ZERO state that such beverages have "zero carbs."

Response: TCCC objects to Request No. 23 on the grounds that the request is vague, ambiguous and potentially misleading. TCCC further objects to the request on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 23 as stated. TCCC's investigation of the subject matter of Request No. 23 is continuing, and TCCC reserves the right to supplement this response if necessary based on the results of TCCC's continuing investigation.

24.

Some press releases issued by Applicant concerning beverages sold under the mark SPRITE ZERO state that such beverages have "zero carbs."

Response: TCCC objects to Request No. 24 on the grounds that the request is vague, ambiguous and potentially misleading. TCCC further objects to the request on the grounds that it fails to specify a given time period or geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 24 as stated. TCCC's investigation of the subject matter of Request No. 24 is continuing, and TCCC reserves the right to supplement this response if necessary based on the results of TCCC's continuing investigation.

25.

The "Nutrition Facts" table printed on beverage products sold under the mark COCA-COLA ZERO states that such beverages have zero calories per serving.

Response: TCCC objects to Request No. 25 on the grounds that the request is vague and ambiguous. TCCC also objects to the request on the grounds that the

term "states" is undefined and unclear within the context of the request. TCCC further objects to the request on the grounds that it fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 25 as stated. In further response to Request No. 25, TCCC admits that the "Nutrition Facts" table printed on COCA-COLA ZERO / COKE ZERO products sold in the United States displays the number "0" to the right of the word "Calories," namely, "Calories 0" to indicate the number of calories per serving size.

26.

The "Nutrition Facts" table printed on beverage products sold under the mark COCA-COLA ZERO states that such beverages have zero carbohydrates per serving.

Response: TCCC objects to Request No. 26 on the grounds that the request is vague and ambiguous. TCCC also objects to the request on the grounds that the term "states" is undefined and unclear within the context of the request. TCCC further objects to the request on the grounds that it fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 26 as stated. In further response to Request No. 26, TCCC admits that

the "Nutrition Facts" table printed on COCA-COLA ZERO / COKE ZERO products sold in the United States displays the number "0" and the letter "g" to the right of the words "Total Carb," namely, "Total Carb 0g" to indicate the number of carbohydrates per serving size.

27.

The "Nutrition Facts" table printed on beverage products sold under the mark COCA-COLA ZERO states that such beverages have zero sugars per serving.

Response: TCCC objects to Request No. 27 on the grounds that the request is vague and ambiguous. TCCC also objects to the request on the grounds that the term "states" is undefined and unclear within the context of the request. TCCC further objects to the request on the grounds that it fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 27 as stated. In further response to Request No. 27, TCCC admits that the "Nutrition Facts" table printed on COCA-COLA ZERO / COKE ZERO products sold in the United States contains the following phrase to indicate the amount of sugars, among other things, per serving size: "Not a significant source of fat cal., sat. fat, trans fat, cholest., fiber, sugars, vitamin A, vitamin C, calcium and iron."

28.

The "Nutrition Facts" table printed on beverage products sold under the mark COKE ZERO states that such beverages have zero calories per serving.

Response: TCCC objects to Request No. 28 on the grounds that the request is vague and ambiguous. TCCC also objects to the request on the grounds that the term "states" is undefined and unclear within the context of the request. TCCC further objects to the request on the grounds that it fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 28 as stated. In further response to Request No. 28, TCCC admits that the "Nutrition Facts" table printed on COKE ZERO / COCA-COLA ZERO products sold in the United States displays the number "0" to the right of the word "Calories," namely, "Calories 0" to indicate the number of calories per serving size.

29.

The "Nutrition Facts" table printed on beverage products sold under the mark COKE ZERO states that such beverages have zero carbohydrates per serving.

Response: TCCC objects to Request No. 29 on the grounds that the request is vague and ambiguous. TCCC also objects to the request on the grounds that the term "states" is undefined and unclear within the context of the request. TCCC

further objects to the request on the grounds that it fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 29 as stated. In further response to Request No. 29, TCCC admits that the "Nutrition Facts" table printed on COKE ZERO / COCA-COLA ZERO products sold in the United States displays the number "0" and the letter "g" to the right of the words "Total Carb," namely, "Total Carb 0g" to indicate the number of carbohydrates per serving size.

30.

The "Nutrition Facts" table printed on beverage products sold under the mark COKE ZERO states that such beverages have zero sugars per serving.

Response: TCCC objects to Request No. 30 on the grounds that the request is vague and ambiguous. TCCC also objects to the request on the grounds that the term "states" is undefined and unclear within the context of the request. TCCC further objects to the request on the grounds that it fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 30 as stated. In further response to Request No. 30, TCCC admits that the "Nutrition Facts" table printed on COKE ZERO / COCA-COLA ZERO products sold in the United States contains the following phrase to indicate the

amount of sugars, among other things, per serving size: "Not a significant source of fat cal., sat. fat, trans fat, cholest., fiber, sugars, vitamin A, vitamin C, calcium and iron."

31.

The "Nutrition Facts" table printed on beverage products sold under the mark SPRITE ZERO states that such beverages have zero calories per serving.

Response: TCCC objects to Request No. 31 on the grounds that the request is vague and ambiguous. TCCC also objects to the request on the grounds that the term "states" is undefined and unclear within the context of the request. TCCC further objects to the request on the grounds that it fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 31 as stated. In further response to Request No. 31, TCCC admits that the "Nutrition Facts" table printed on SPRITE ZERO products sold in the United States displays the number "0" to the right of the word "Calories," namely, "Calories 0" to indicate the number of calories per serving size.

32.

The "Nutrition Facts" table printed on beverage products sold under the mark SPRITE ZERO states that such beverages have zero carbohydrates per serving.

Response: TCCC objects to Request No. 32 on the grounds that the request is vague and ambiguous. TCCC also objects to the request on the grounds that the term "states" is undefined and unclear within the context of the request. TCCC further objects to the request on the grounds that it fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 32 as stated. In further response to Request No. 32, TCCC admits that the "Nutrition Facts" table printed on SPRITE ZERO products sold in the United States displays the number "0" and the letter "g" to the right of the words "Total Carb," namely, "Total Carb 0g" to indicate the number of carbohydrates per serving size.

33.

The "Nutrition Facts" table printed on beverage products sold under the mark SPRITE ZERO states that such beverages have zero sugars per serving.

Response: TCCC objects to Request No. 33 on the grounds that the request is vague and ambiguous. TCCC also objects to the request on the grounds that the term "states" is undefined and unclear within the context of the request. TCCC further objects to the request on the grounds that it fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 33 as stated. In further response to Request No. 33, TCCC admits that the "Nutrition Facts" table printed on SPRITE ZERO products sold in the United States contains the following phrase to indicate the amount of sugars, among other things, per serving size: "Not a significant source of fat cal., sat. fat, trans fat, cholest., fiber, sugars, vitamin A, vitamin C, calcium and iron."

34.

Applicant has no evidence that consumers who see the term ZERO, standing alone, used in connection with soft drinks associate the term exclusively with Applicant.

Response: TCCC objects to Request No. 34 on the grounds that the request is vague and ambiguous, the meaning of the phrase beginning "who see the term" is unclear within the context of the request, and the meaning of the phrase beginning "used in connection with" is unclear within the context of the request. TCCC also objects to this request on the grounds that it is vague and ambiguous as purporting to request the admission of a negative. TCCC further objects to this request on the grounds that it fails to specify a geographic scope.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 34 as stated.

35.

At the time Applicant adopted ZERO as a part of its COCA-COLA ZERO mark, Applicant was aware of at least one third party who used the term ZERO in connection with the marketing of beverages with less than five calories per serving.

Response: TCCC objects to Request No. 35 on the grounds that the request is vague and ambiguous, the meaning of the phrase beginning "as a part of" is vague and ambiguous, and the meaning of the phrase beginning "who used the term ZERO" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 35 as stated.

36.

At the time Applicant adopted ZERO as a part of its COKE ZERO mark, Applicant was aware of at least one third party who used the term ZERO in connection with the marketing of beverages with less than five calories per serving.

Response: TCCC objects to Request No. 36 on the grounds that the request is vague and ambiguous, the meaning of the phrase beginning "as a part of" is vague and ambiguous, and the meaning of the phrase beginning "who used the term ZERO" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 36 as stated.

37.

At the time Applicant adopted ZERO as a part of its SPRITE ZERO mark, Applicant was aware of at least one third party that used the term ZERO in connection with the marketing of beverages with less than five calories per serving.

Response: TCCC objects to Request No. 37 on the grounds that the request is vague and ambiguous, the meaning of the phrase beginning "as a part of" is vague and ambiguous, and the meaning of the phrase beginning "that used the term ZERO" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 37 as stated.

38.

At the time Applicant adopted the term ZERO as part of its COCA-COLA ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the sale of beverages with less than 0.5 grams of carbohydrates per serving.

Response: TCCC objects to Request No. 38 on the grounds that the request is vague and ambiguous, the meaning of the phrase beginning "as a part of" is vague and ambiguous, and the meaning of the phrase beginning "that used the term 'zero'" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 38 as stated.

39.

At the time Applicant adopted the term ZERO as part of its COCA-COLA ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the marketing of beverages with less than 0.5 grams of carbohydrates per serving.

Response: TCCC objects to Request No. 39 on the grounds that the request is vague and ambiguous, the meaning of the phrase beginning "as a part of" is vague and ambiguous, and the meaning of the phrase beginning "that used the term 'zero'" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 39 as stated.

40.

At the time Applicant adopted the term ZERO as part of its COCA-COLA ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the sale of beverages with less than one gram of sugar per serving.

Response: TCCC objects to Request No. 40 on the grounds that the request is vague and ambiguous, the meaning of the phrase beginning "as a part of" is vague and ambiguous, and the meaning of the phrase beginning "that used the term 'zero'" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 40 as stated.

41.

At the time Applicant adopted the term ZERO as part of its COCA-COLA ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the marketing of beverages with less than one gram of sugar per serving.

Response: TCCC objects to Request No. 41 on the grounds that the request is vague and ambiguous, the meaning of the phrase beginning "as a part of" is vague and ambiguous, and the meaning of the phrase beginning "that used the term 'zero'" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 41 as stated.

42.

At the time Applicant adopted the term ZERO as part of its COKE ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the sale of beverages with less than 0.5 gram of carbohydrates per serving.

Response: TCCC objects to Request No. 42 on the grounds that the request is vague and ambiguous, the meaning of the phrase beginning "as a part of" is vague and ambiguous, and the meaning of the phrase beginning "that used the term 'zero'" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 42 as stated.

43.

At the time Applicant adopted the term ZERO as part of its COKE ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the marketing of beverages with less than 0.5 grams of carbohydrates per serving.

Response: TCCC objects to Request No. 43 on the grounds that the request is vague and ambiguous, the meaning of the phrase beginning "as a part of" is vague and ambiguous, and the meaning of the phrase beginning "that used the term 'zero'" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 43 as stated.

44.

At the time Applicant adopted the term ZERO as part of its COKE ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the sale of beverages with less than one gram of sugar per serving.

Response: TCCC objects to Request No. 44 on the grounds that the request is vague and ambiguous, the meaning of the phrase beginning "as a part of" is vague and ambiguous, and the meaning of the phrase beginning "that used the term 'zero'" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 44 as stated.

45.

At the time Applicant adopted the term ZERO as part of its COKE ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the marketing of beverages with less than one gram of sugar per serving.

Response: TCCC objects to Request No. 45 on the grounds that the request is vague and ambiguous, the meaning of the phrase beginning "as a part of" is vague and ambiguous, and the meaning of the phrase beginning "that used the term 'zero'" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 45 as stated.

46.

At the time Applicant adopted the term ZERO as part of its SPRITE ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the sale of beverages with less than 0.5 grams of carbohydrates per serving.

Response: TCCC objects to Request No. 46 on the grounds that the request is vague and ambiguous, the meaning of the phrase beginning "as a part of" is vague and ambiguous, and the meaning of the phrase beginning "that used the term 'zero'" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 46 as stated.

47.

At the time Applicant adopted the term ZERO as part of its SPRITE ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the marketing of beverages with less than 0.5 grams of carbohydrates per serving.

Response: TCCC objects to Request No. 47 on the grounds that the request is vague and ambiguous, the meaning of the phrase beginning "as a part of" is vague and ambiguous, and the meaning of the phrase beginning "that used the term 'zero'" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 47 as stated.

48.

At the time Applicant adopted the term ZERO as part of its SPRITE ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the sale of beverages with less than one gram of sugar per serving.

Response: TCCC objects to Request No. 48 on the grounds that the request is vague and ambiguous, the meaning of the phrase beginning "as a part of" is vague and ambiguous, and the meaning of the phrase beginning "that used the term 'zero'" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 48 as stated.

49.

At the time Applicant adopted the term ZERO as part of its SPRITE ZERO mark, Applicant was aware of at least one third party that used the term "zero" in connection with the marketing of beverages with less than one gram of sugar per serving.

Response: TCCC objects to Request No. 49 on the grounds that the request is vague and ambiguous, the meaning of the phrase beginning "as a part of" is vague and ambiguous, and the meaning of the phrase beginning "that used the term 'zero'" is vague and ambiguous.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 49 as stated.

50.

Applicant has never sold products under the mark ZERO standing alone.

Response: TCCC objects to Request No. 50 on the grounds that it fails to specify a geographic scope. TCCC also objects to this request as vague and ambiguous as purporting to request the admission of a negative.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 50. TCCC states that TCCC's investigation of the subject matter of Request No. 50 is continuing, and TCCC reserves the right to supplement this response based on the results of TCCC's continuing investigation.

51.

Applicant has never included the term "ZERO" as part of a mark for a beverage containing more than five calories per serving.

Response: TCCC objects to Request No. 51 on the grounds that it fails to specify a geographic scope. TCCC also objects to this request as vague and ambiguous as purporting to request the admission of a negative.

Subject to and without waiving the foregoing objections, TCCC denies Request No. 51. TCCC further states that TCCC's investigation of the subject matter of Request No. 51 is continuing, and TCCC reserves the right to supplement this response based on the results of TCCC's continuing investigation.

52.

Applicant intends beverages sold under the COCA-COLA ZERO mark to appeal to consumers seeking a soft drink with zero calories.

Response: TCCC objects to Request No. 52 on the grounds that the request is vague and ambiguous, and on the grounds that it is potentially misleading and incomplete.

Subject to and without waiving the foregoing objections, TCCC admits that its beverage products sold under the COCA-COLA ZERO mark appeal to consumers who are seeking, among other things, a soft drink with zero calories,

and that TCCC intends that its products appeal to the many different attributes of a product that consumers may be seeking.

53.

Applicant intends beverages sold under the COCA-COLA ZERO mark to appeal to consumers seeking a low calorie soft drink.

Response: TCCC objects to Request No. 53 on the grounds that the request is vague and ambiguous, and on the grounds that it is potentially misleading and incomplete.

Subject to and without waiving the foregoing objections, TCCC admits that its beverage products sold under the COCA-COLA ZERO mark appeal to consumers who are seeking, among other things, a low calorie soft drink, and that TCCC intends that its products appeal to the many different attributes of a product that consumers may be seeking.

54.

Applicant intends beverages sold under the COKE ZERO mark to appeal to consumers seeking a soft drink with zero calories.

Response: TCCC objects to Request No. 54 on the grounds that the request is vague and ambiguous, and on the grounds that it is potentially misleading and incomplete.

Subject to and without waiving the foregoing objections, TCCC admits that its beverage products sold under the COKE ZERO mark appeal to consumers who are seeking, among other things, a soft drink with zero calories, and that TCCC intends that its products appeal to the many different attributes of a product that consumers may be seeking.

55.

Applicant intends beverages sold under the COKE ZERO mark to appeal to consumers seeking a low calorie soft drink.

Response: TCCC objects to Request No. 55 on the grounds that the request is vague and ambiguous, and on the grounds that it is potentially misleading and incomplete.

Subject to and without waiving the foregoing objections, TCCC admits that its beverage products sold under the COKE ZERO mark appeal to consumers who are seeking, among other things, a low calorie soft drink, and that TCCC intends that its products appeal to the many different attributes of a product that consumers may be seeking.

56.

Applicant intends beverages sold under the SPRITE ZERO mark to appeal to consumers seeking a soft drink with zero calories.

Response: TCCC objects to Request No. 56 on the grounds that the request is vague and ambiguous, and on the grounds that it is potentially misleading and incomplete.

Subject to and without waiving the foregoing objections, TCCC admits that its beverage products sold under the SPRITE ZERO mark appeal to consumers who are seeking, among other things, a soft drink with zero calories, and that TCCC intends that its products appeal to the many different attributes of a product that consumers may be seeking.

57.

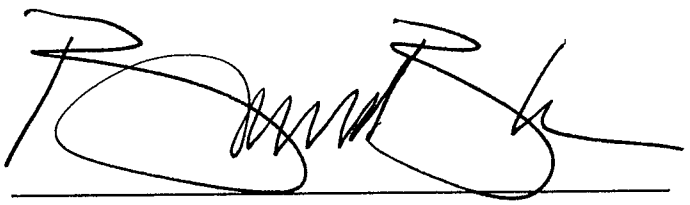
Applicant intends beverages sold under the SPRITE ZERO mark to appeal to consumers seeking a low calorie soft drink.

Response: TCCC objects to Request No. 57 on the grounds that the request is vague and ambiguous, and on the grounds that it is potentially misleading and incomplete.

Subject to and without waiving the foregoing objections, TCCC admits that its beverage products sold under the SPRITE ZERO mark appeal to consumers who are seeking, among other things, a low calorie soft drink, and that TCCC intends that its products appeal to the many different attributes of a product that consumers may be seeking.

This 31st day of March, 2008.

KING & SPALDING LLP



Bruce W. Baber
Emily Bienko Brown

1180 Peachtree Street
Atlanta, Georgia 30309
(404) 572-4600

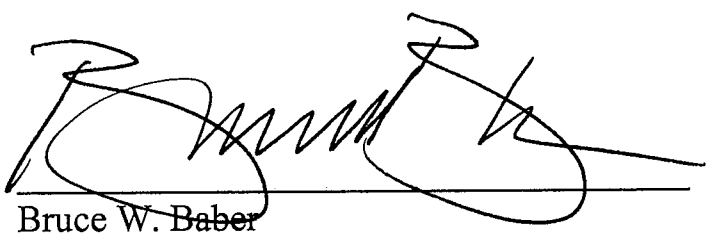
Attorneys for Applicant
THE COCA-COLA COMPANY

CERTIFICATE OF SERVICE

This is to certify that I have this day served Applicant's Responses And Objections To Opposer's First Set Of Requests For Admission in the above-captioned matters upon opposer, by causing a true and correct copy thereof to be deposited in the United States Mail, postage prepaid, addressed to opposer's counsel of record as follows:

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

This 31st day of March, 2008.



Bruce W. Baber

EXHIBIT 22

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

June 25, 2009

BY EMAIL

Bruce W. Baber, Esq.
King & Spalding LLP
1185 Avenue of the Americas
New York, NY 10036-4003
Email: bbaber@kslaw.com

Re: *Royal Crown Company, Inc. v. The Coca-Cola Company*
(Our Ref.: DPSU USA TC-07/05053)

Dear Bruce:

We have received and reviewed the discovery responses of your client The Coca-Cola Company ("TCCC") dated March 25, 2009 and the documents produced this month. The responses are deficient in numerous significant respects. This letter is sent pursuant to Trademark Rule of Practice 2.120 to see if we can resolve our concerns without intervention by the Board. We suggest a teleconference on **Tuesday, June 30, 2009 at 11:00 a.m.** to discuss the issues raised in this letter. If this time does not work with your schedule, please suggest some alternate times that fall within one week of the date of this letter. Note that I am unavailable Monday, June 29.

Deficiencies in Applicant's Responses to
Opposer's Second Set of Requests for Production

General Objections Nos. 1, 3 and 5. We do not believe your General Objections Nos. 1, 3 and 5 have any basis.

General Objection No. 2. We believe your General Objection No. 2 is misplaced. To the extent that any of these requests are duplicative or cumulative of prior-served discovery requests, it is because TCCC has repeatedly failed to respond fully and openly according to its obligations under the Federal Rules of Civil Procedure and the Trademark Rules of Practice.

General Objection No. 4. We reject your General Objection No. 4. The applicable rules clearly state that TCCC is obligated to produce documents in its possession, custody or control, regardless of who has physical possession of such documents. Responsive documents in the possession or custody of, for example, TCCC's attorneys in this action, are within TCCC's control. If King & Spalding or any other law firm, expert or consultant retained by TCCC has responsive documents that such company is refusing to produce, please advise so that we can make an appropriate motion to the Board. *See, e.g., Pioneer Kabushiki Kaisha v. Hitachi High Technologies America, Inc.*, 74

U.S.P.Q.2d 1672 (T.T.A.B. 2005) (requiring party refusing to produce materials in its expert's possession to file a declaration stating that expert refused to turn over materials to employing party and the expert's rationale for refusing to hand over such materials).

General Objection No. 6. We further reject your General Objection No. 6. As you know, including based on our objections to TCCC's deficient responses to the first set of discovery requests, the parties have signed a confidentiality order and therefore there is no basis for TCCC either to object or to withhold information on the basis of confidentiality. Advise if you are withholding any documents on this basis.

Recurring Objection on the Basis of Privilege. TCCC has objected to a number of requests on the basis that they call for documents protected by the work product doctrine and/or attorney-client privilege. TCCC has yet to produce a privilege log in this matter, and must do so immediately.

Response to Document Request No. 24: We do not agree with TCCC's objections to this request. As noted above, confidentiality is not a proper basis for objection. Further, please identify which portions of the request are vague, ambiguous, overbroad and/or unduly burdensome. Please also explain why you do not believe this request is likely to lead to the discovery of admissible evidence. On a substantive basis, the request asks for documents related to the "development and selection" of the TCCC Marks; TCCC's response that it will produce documents concerning the "selection and adoption" of such marks misses part of the request. TCCC must produce documents relating to its *development* of the TCCC Marks. Moreover, TCCC has not produced any new documents responsive to this request. Such documents must be produced.

Response to Document Requests No. 25: We do not agree with TCCC's objections to this request, but will not address them individually since TCCC has produced some responsive documents. However, TCCC has not produced documents concerning 2009 sales, and therefore ask that TCCC do so.

Response to Document Request No. 26: We do not agree with TCCC's objections to this request, but will not address them individually since TCCC has produced some responsive documents. However, TCCC has not produced representative advertisements for each of the TCCC Marks, and ask that TCCC do so.

Response to Document Requests No. 27: We do not agree with TCCC's objections to this request, but will not address them individually since TCCC has produced some responsive documents. However, TCCC has not produced documents concerning 2009 marketing expenditures, and therefore ask that TCCC do so.

Responses to Document Requests No. 28-35: We do not agree with TCCC's objections to these eight requests, but will not address them individually since TCCC has agreed to produce responsive documents. However, despite TCCC's statement that it will produce

responsive documents, it has not done so. Responsive documents must be produced to each of these eight requests.

Deficiencies in TCCC's Responses to
Royal Crown's Second Set of Interrogatories

General Objections Nos. 1, 3 and 5. We do not believe your General Objections Nos. 1, 3 and 5 have any basis.

General Objection No. 2. We believe your General Objection No. 2 is misplaced. Again, to the extent that any of these interrogatories are duplicative or cumulative of prior-served discovery requests, it is because TCCC has repeatedly failed to respond fully and openly according to its obligations under the Federal Rules of Civil Procedure and the Trademark Rules of Practice.

General Objection No. 4. We reject your General Objection No. 4. The applicable rules clearly state that TCCC is obligated to provide documents and information in its possession, custody or control, regardless of who has physical possession of such documents or information. Responsive documents and information in the possession or custody of, for example, TCCC's attorneys in this action, are within TCCC's control. If King & Spalding or any other law firm, expert or consultant retained by TCCC has responsive documents or information that such company is refusing to produce, please advise so that we can make an appropriate motion to the Board. *See, e.g., Pioneer Kabushiki Kaisha*, 74 U.S.P.Q.2d 1672.

General Objection No. 6. We further reject your General Objection No. 6. As noted above, since the parties have signed a confidentiality order and therefore there is no basis for TCCC either to object or to withhold information on the basis of confidentiality. Advise if you are withholding any information (including documents) on this basis.

Response to Interrogatory No. 6: We do not agree with TCCC's objections to this interrogatory. Please identify which portions of the interrogatory are vague, ambiguous and/or unintelligible. The interrogatory also is not overbroad or unduly burdensome, and therefore we request TCCC to explain its objections on this basis. And, as discussed above, confidentiality is not a proper basis for objection. Substantively, TCCC's response to Interrogatory No. 6 is incomplete. Among other things, TCCC has failed to describe the meaning or significance of each of TCCC's Marks. TCCC's statement that the significance of the mark "varies from product to product" is not a sufficient response. TCCC must therefore amend or supplement its response.

Response to Interrogatory No. 8: We do not agree with TCCC's objections to this interrogatory. Please identify which portions of the interrogatory are vague and/or ambiguous. Please also explain how the interrogatory is overbroad and unduly burdensome. As to the substance of TCCC's response, TCCC's statement that it will produce representative advertisements does not fully respond to the interrogatory.

Moreover, TCCC has produced no such materials. TCCC must respond to the interrogatory in full, including by providing information regarding the media outlets utilized, the time frame for such advertisements, and the locales where such advertisements were utilized, and must produce the materials it indicated it would produce. In addition, TCCC's written response to Interrogatory No. 8 must indicate which documents are produced as responsive.

Response to Interrogatory No. 9: We do not agree with TCCC's objections to this interrogatory, including the objection that the requested information is allegedly privileged. Please explain which portions of the interrogatory are vague and/or ambiguous. Please also explain how the interrogatory is either overbroad or unduly burdensome. Beyond the objections, TCCC "response" does not answer the interrogatory. TCCC is required to supply the requested information regarding any instances of actual confusion even if TCCC does not know the names or identities of the people allegedly confused or deceived. If TCCC is not aware of any such instances, it should so state.

Responses to Interrogatory Nos. 10 and 11: We do not agree with TCCC's objections to these interrogatories. Should TCCC maintain its objections, please explain how the interrogatory is vague, ambiguous, overbroad unduly burdensome and/or not reasonably calculated to lead to the discovery of admissible evidence. As for TCCC's substantive "response," we do not believe that TCCC has provided documents responsive to this interrogatory, other than the single document marked as TCCC 03064. In any event, TCCC's written response to the Interrogatory must identify which produced documents are responsive. In addition, TCCC's responses to Interrogatory No. 10 and 11 are mutually exclusive: if TCCC produced documents in response to Interrogatory No. 10 (as it claims it did), it cannot then claim that it does not have to respond to Interrogatory No. 11. There is nothing wrong with the scope of this request, although if TCCC would like to limit its response to the United States, Royal Crown has no objection. However, there is no question that TCCC must respond to both interrogatories in full.

Response to Interrogatories No. 14: Once again, we do not agree with TCCC's objections, and ask you to explain how the interrogatory is vague, ambiguous, overbroad, unduly burdensome and/or not reasonably calculated to lead to the discovery of admissible evidence. TCCC's "substantive" response is evasive. The request does not require TCCC to come up with a list of all possible third party marks to which it does not object. However, it does require TCCC to identify any such marks of which it is aware. TCCC must answer the interrogatory.

Deficiencies in TCCC's Responses to Royal Crown's Second Set of Requests for Admission

General Objections Nos. 1, 3 and 4. We do not believe your General Objection Nos. 1, 3 and 4 have any basis.

Responses to Requests Nos. 58-59 and 61. We do not agree with TCCC's objections. We do not believe the phrase "objected to" or any other term in the request is vague or ambiguous, and ask that you explain this objection more fully. We also are aware of no rule against requests for admissions of negatives, but please let us know if you have case law on this issue. The objection that this request is not likely to lead to the discovery of admissible evidence is manifestly unfounded, since TCCC has stated that DIET RITE and DIET SPRITE are similar. Beyond the improper objections, the substantive response seems to be incorrect, as Royal Crown is not aware of any objection made by TCCC at any time to the use of the mark DIET RITE by Royal Crown or any predecessor. Please let us know when such objection was made, so that we can test the accuracy of our client's records. Otherwise, we shall expect TCCC to revise its answer.

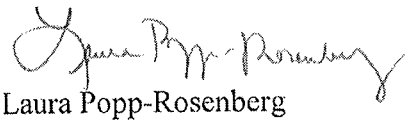
Responses to Requests Nos. 71-98. TCCC's objections have no basis. Please specify what portions of the requests you believe to be vague or ambiguous. Again, as noted above, we are aware of no rule prohibiting requests for admission of a negative. Substantively, TCCC has failed to respond to the requests, none of which ask for the names of individuals. TCCC must respond to the requests as actually posed.

* * * * *

We believe that TCCC has failed to satisfy its discovery obligations in this matter, as detailed above. We request that TCCC respond to the deficiencies raised in this letter during a teleconference in the next week, as proposed in the opening paragraph.

I look forward to hearing from you.

Very truly yours,



Laura Popp-Rosenberg

EXHIBIT 23

Laura Popp-Rosenberg

From: Laura Popp-Rosenberg
Sent: Wednesday, July 22, 2009 10:54 AM
To: 'Baber, Bruce'
Cc: Barbara Solomon
Subject: RE: Royal Crown / Coca-Cola

Bruce:

I meant **July** 24, not June 24.

Laura.

From: Laura Popp-Rosenberg
Sent: Wednesday, July 22, 2009 10:32 AM
To: Baber, Bruce
Cc: Barbara Solomon
Subject: Royal Crown / Coca-Cola

Dear Bruce:

We have received no additional documents, revised responses to discovery requests or other materials in response to our most recent deficiency letter, despite your promise that you would provide such materials by Friday, June 17. If we do not receive the materials by **Friday, June 24**, Royal Crown will have no choice but to take Coke's discovery failures to the Board.

We are also expecting your privilege log, which you advised you would provide today.

Regards,
Laura

Laura Popp-Rosenberg | Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza | New York, New York 10017
T: (212) 813-5943 | F: (212) 813-5901 | www.frosszelnick.com

EXHIBIT 24

Laura Popp-Rosenberg

From: Baber, Bruce [BBaber@KSLAW.com]
Sent: Friday, July 24, 2009 4:14 PM
To: Laura Popp-Rosenberg
Cc: Brown, Emily
Subject: RC v. TCCC -- ZERO Oppositions
Follow Up Flag: Follow up
Flag Status: Red

Laura --

This is further to our call on July 8, in which we discussed certain of TCCC's discovery responses in the above matters.

As we agreed to do, we have reviewed TCCC's responses to certain of RC's discovery requests. Although we continue to believe that the original responses are sufficient, we are nonetheless agreeable to providing supplemental responses to several of them. More specifically, we are willing to supplement our prior responses to RC's interrogatories numbers 6, 8, 9, 10, 11 and 14. We are now preparing the supplemental responses, and, with the exception of number 8, should have them finalized by early next week. We are awaiting additional information from our client with respect to number 8, and will supplement that response once we have received the additional information that we have requested.

In addition, as we discussed during our call, we have asked our client to conduct a further review of its files to determine whether there are additional documents responsive to RC's document requests numbers 24, 26 (as to FULL THROTTLE ZERO), 29 and 31. We will let you know as soon as we receive the results of that further review. We also anticipate that we will be able to produce to you next week some additional documents responsive to document requests 30 and/or 32, as we also discussed during our call.

This will also confirm our agreement to provide a log of any documents that would otherwise be responsive to RC's requests and subject to the descriptions of documents that we have agreed to produce but that are withholding on the basis of privilege. We have identified at least some such documents and are now preparing the log. We should have at least a preliminary log to you next week.

Finally, this will also confirm your agreement that TCCC does not need to update or supplement its responses to RC's document requests 25 and 27 until the close of discovery in these matters.

Please let me know if you have any questions regarding any of the above.

Best regards --

Bruce

Bruce W. Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

EXHIBIT 25

Laura Popp-Rosenberg

From: Laura Popp-Rosenberg
Sent: Monday, July 27, 2009 8:43 PM
To: Baber, Bruce
Cc: Barbara Solomon
Subject: RE: RC v. TCCC -- ZERO Oppositions

Dear Bruce:

When we held our discovery conference, you committed to providing revised or supplemental responses and supplemental documents by July 17, and a privilege log by July 22. Your failure to live up to your commitments is disappointing, to say the least. I will expect the revised responses to Interrogatories Nos. 6, 9, 10, 11 and 14 by no later than **Wednesday, July 29**. I do not understand the delay with respect to revising the response to Interrogatory No. 8. Please advise a date certain in the near future as to when we can expect the revised response.

I will expect to receive all additional documents by the end of this week, **July 31**. This deadline is more than reasonable considering the document requests were served in February. This will confirm your representation to me on July 8 that your client has no documents responsive to Document Requests Nos. 33 and 35. Please advise by **Wednesday, July 29** why you are not producing documents in response to Document Request No. 24, since you indicated on July 8 that you would be doing so.

Your client's discovery delinquencies are unfairly prejudicing my client's rights in this proceeding. We therefore request your consent to a 60-day extension of all dates in this proceeding. Please let us have your response to this request by **Wednesday, July 29** so we may know whether we must take the issue to the Board.

Regards,
Laura

From: Baber, Bruce [mailto:BBaber@KSLAW.com]
Sent: Friday, July 24, 2009 4:14 PM
To: Laura Popp-Rosenberg
Cc: Brown, Emily
Subject: RC v. TCCC -- ZERO Oppositions

Laura --

This is further to our call on July 8, in which we discussed certain of TCCC's discovery responses in the above matters.

As we agreed to do, we have reviewed TCCC's responses to certain of RC's discovery requests. Although we continue to believe that the original responses are sufficient, we are nonetheless agreeable to providing supplemental responses to several of them. More specifically, we are willing to supplement our prior responses to RC's interrogatories numbers 6, 8, 9, 10, 11 and 14. We are now preparing the supplemental responses, and, with the exception of number 8, should have them finalized by early next week. We are awaiting additional information from our client with respect to number 8, and will supplement that response once we have received the additional information that we have requested.

In addition, as we discussed during our call, we have asked our client to conduct a further review of its files to determine whether there are additional documents responsive to RC's document requests numbers 24, 26 (as to FULL THROTTLE ZERO), 29 and 31. We will let you know as soon as we receive the results of that further review. We also anticipate that we will be able to produce to you next week some additional documents responsive to document requests 30 and/or 32, as we also discussed during our call.

This will also confirm our agreement to provide a log of any documents that would otherwise be responsive to RC's requests and subject to the descriptions of documents that we have agreed to produce but that are

withholding on the basis of privilege. We have identified at least some such documents and are now preparing the log. We should have at least a preliminary log to you next week.

Finally, this will also confirm your agreement that TCCC does not need to update or supplement its responses to RC's document requests 25 and 27 until the close of discovery in these matters.

Please let me know if you have any questions regarding any of the above.

Best regards --

Bruce

Bruce W. Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

EXHIBIT 26

Laura Popp-Rosenberg

From: Baber, Bruce [BBaber@KSLAW.com]
Sent: Wednesday, July 29, 2009 2:51 PM
To: Laura Popp-Rosenberg
Cc: Brown, Emily
Subject: RE: RC v. TCCC -- ZERO Oppositions

Laura --

This will confirm that we are now finalizing our supplemental responses to RC's interrogatories 6, 9, 10, 11 and 14 and will serve them later today. As previously advised, we will supplement our response to interrogatory 8 as soon as we have received additional information from our client and I will try to provide a "date certain" as soon as I have some further information. We also will produce some additional documents by the end of this week.

With respect to the close of discovery issue, it would be helpful if you could give us some idea of why you believe additional time is needed, i.e., what further discovery you plan to initiate or take if the discovery period is extended. We also do not see any reason why the expert disclosure deadline should be further extended, but understand your message to mean that you want to extend that deadline as well. If so, we would also appreciate your thoughts on that issue.

As to the other issues addressed in your message of Monday evening, I do not think it is productive to debate what we did or did not "commit to" in our telephone conference on July 8; suffice it to say that it appears your understanding was different from mine in at least several respects. I believe that we have proceeded and are proceeding as we discussed in our conference, although it did take us a few days longer than anticipated to advise you that we were willing to supplement several of our interrogatory responses. And on a final point, I do not understand your request with respect to document request 24, as I indicated in my message to you of last Friday that we have asked the client to search for additional documents that may be responsive to request 24 (among others).

I will look forward to hearing back from you regarding the discovery and expert issues.

Best regards --

Bruce

Bruce W. Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

From: Laura Popp-Rosenberg [mailto:lpopp-rosenberg@frosszelnick.com]
Sent: Monday, July 27, 2009 8:43 PM
To: Baber, Bruce
Cc: Barbara Solomon
Subject: RE: RC v. TCCC -- ZERO Oppositions

Dear Bruce:

When we held our discovery conference, you committed to providing revised or supplemental responses and supplemental documents by July 17, and a privilege log by July 22. Your failure to live up to your commitments is disappointing, to say the least. I will expect the revised responses to Interrogatories Nos. 6, 9, 10, 11 and 14 by no later than **Wednesday, July 29**. I do not understand the delay with respect to revising the response to Interrogatory No. 8. Please advise a date certain in the near future as to when we can expect the revised response.

I will expect to receive all additional documents by the end of this week, **July 31**. This deadline is more than reasonable considering the document requests were served in February. This will confirm your representation to me on July 8 that your client has no documents responsive to Document Requests Nos. 33 and 35. Please advise by **Wednesday, July 29** why you are not producing documents in response to Document Request No. 24, since you indicated on July 8 that you would be doing so.

Your client's discovery delinquencies are unfairly prejudicing my client's rights in this proceeding. We therefore request your consent to a 60-day extension of all dates in this proceeding. Please let us have your response to this request by **Wednesday, July 29** so we may know whether we must take the issue to the Board.

Regards,
Laura

From: Baber, Bruce [mailto:BBaber@KSLAW.com]
Sent: Friday, July 24, 2009 4:14 PM
To: Laura Popp-Rosenberg
Cc: Brown, Emily
Subject: RC v. TCCC -- ZERO Oppositions

Laura --

This is further to our call on July 8, in which we discussed certain of TCCC's discovery responses in the above matters.

As we agreed to do, we have reviewed TCCC's responses to certain of RC's discovery requests. Although we continue to believe that the original responses are sufficient, we are nonetheless agreeable to providing supplemental responses to several of them. More specifically, we are willing to supplement our prior responses to RC's interrogatories numbers 6, 8, 9, 10, 11 and 14. We are now preparing the supplemental responses, and, with the exception of number 8, should have them finalized by early next week. We are awaiting additional information from our client with respect to number 8, and will supplement that response once we have received the additional information that we have requested.

In addition, as we discussed during our call, we have asked our client to conduct a further review of its files to determine whether there are additional documents responsive to RC's document requests numbers 24, 26 (as to FULL THROTTLE ZERO), 29 and 31. We will let you know as soon as we receive the results of that further review. We also anticipate that we will be able to produce to you next week some additional documents responsive to document requests 30 and/or 32, as we also discussed during our call.

This will also confirm our agreement to provide a log of any documents that would otherwise be responsive to RC's requests and subject to the descriptions of documents that we have agreed to produce but that are withholding on the basis of privilege. We have identified at least some such documents and are now preparing the log. We should have at least a preliminary log to you next week.

Finally, this will also confirm your agreement that TCCC does not need to update or supplement its responses to RC's document requests 25 and 27 until the close of discovery in these matters.

Please let me know if you have any questions regarding any of the above.

Best regards --

Bruce

Bruce W. Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

EXHIBIT 27

Laura Popp-Rosenberg

From: Laura Popp-Rosenberg
Sent: Wednesday, July 29, 2009 9:20 PM
To: Baber, Bruce
Cc: Barbara Solomon; Brown, Emily
Subject: RE: RC v. TCCC -- ZERO Oppositions

Bruce:

The discovery requests at issue were served in February, more than five months ago. Your client's continued delay in providing complete interrogatory responses and all responsive documents is inexcusable at this point. The applicable rules require your client's to produce documents in a timely manner, and it has not done so. Worse, it refuses to commit to doing so. We do not wish to have to make a motion to compel, but we also strongly believe that our discovery rights should not be prejudiced by your client's ongoing dilatory tactics.

With regard to the requested extension of the discovery deadline, we served our discovery requests well in advance of the discovery close date so that we could take follow-up discovery if needed. Your client's delay to date -- and its planned continued delay -- prejudices our ability to take follow-up discovery should any be necessary. This is why we need the extension. With regard to the expert disclosure date in particular, it is possible that the additional information provided by your client would have bearing on whether or not Royal Crown uses an expert in this proceeding. Please let us know immediately if your client consents.

I continue to disagree that you are proceeding in the manner you committed to during our July 8 conference, but do agree that it is not productive to debate the issue. I will keep in mind for the future that we must reduce all commitments to writing so that there is no further alleged misunderstanding. This is not the first time such "misunderstanding" as to your oral commitments has occurred, but I hope it will be the last.

My reference to Document Request No. 24 was in error; I meant Document Request No. 35. Please advise as to your client's intentions with respect to this Document Request, and whether your client will produce all additional documents by Friday, as requested in my email below.

I do not think it is unreasonable for you and your client to commit to a date by which it will supplement its response to Interrogatory No. 8. Your client seems to believe that it can provide requested and required discovery information at its leisure, which is in violation of the applicable rules. We therefore request a commitment date as to the supplemental response to Interrogatory No. 8 immediately.

Regards,
Laura

From: Baber, Bruce [mailto:BBaber@KSLAW.com]
Sent: Wednesday, July 29, 2009 2:51 PM
To: Laura Popp-Rosenberg
Cc: Brown, Emily
Subject: RE: RC v. TCCC -- ZERO Oppositions

Laura --

This will confirm that we are now finalizing our supplemental responses to RC's interrogatories 6, 9, 10, 11 and 14 and will serve them later today. As previously advised, we will supplement our response to interrogatory 8 as soon as we have received additional information from our client and I will try to provide a "date certain" as soon as I have some further information. We also will produce some additional documents by the end of this week.

With respect to the close of discovery issue, it would be helpful if you could give us some idea of why you believe additional time is needed, i.e., what further discovery you plan to initiate or take if the discovery period is extended. We also do not see any reason why the expert disclosure deadline should be further

extended, but understand your message to mean that you want to extend that deadline as well. If so, we would also appreciate your thoughts on that issue.

As to the other issues addressed in your message of Monday evening, I do not think it is productive to debate what we did or did not "commit to" in our telephone conference on July 8; suffice it to say that it appears your understanding was different from mine in at least several respects. I believe that we have proceeded and are proceeding as we discussed in our conference, although it did take us a few days longer than anticipated to advise you that we were willing to supplement several of our interrogatory responses. And on a final point, I do not understand your request with respect to document request 24, as I indicated in my message to you of last Friday that we have asked the client to search for additional documents that may be responsive to request 24 (among others).

I will look forward to hearing back from you regarding the discovery and expert issues.

Best regards --

Bruce

Bruce W. Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

From: Laura Popp-Rosenberg [mailto:lpopp-rosenberg@frosszelnick.com]
Sent: Monday, July 27, 2009 8:43 PM
To: Baber, Bruce
Cc: Barbara Solomon
Subject: RE: RC v. TCCC -- ZERO Oppositions

Dear Bruce:

When we held our discovery conference, you committed to providing revised or supplemental responses and supplemental documents by July 17, and a privilege log by July 22. Your failure to live up to your commitments is disappointing, to say the least. I will expect the revised responses to Interrogatories Nos. 6, 9, 10, 11 and 14 by no later than **Wednesday, July 29**. I do not understand the delay with respect to revising the response to Interrogatory No. 8. Please advise a date certain in the near future as to when we can expect the revised response.

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Your client's discovery delinquencies are unfairly prejudicing my client's rights in this proceeding. We therefore request your consent to a 60-day extension of all dates in this proceeding. Please let us have your response to this request by **Wednesday, July 29** so we may know whether we must take the issue to the Board.

Regards,
Laura

From: Baber, Bruce [mailto:BBaber@KSLAW.com]
Sent: Friday, July 24, 2009 4:14 PM
To: Laura Popp-Rosenberg
Cc: Brown, Emily

Subject: RC v. TCCC -- ZERO Oppositions

Laura --

This is further to our call on July 8, in which we discussed certain of TCCC's discovery responses in the above matters.

As we agreed to do, we have reviewed TCCC's responses to certain of RC's discovery requests. Although we continue to believe that the original responses are sufficient, we are nonetheless agreeable to providing supplemental responses to several of them. More specifically, we are willing to supplement our prior responses to RC's interrogatories numbers 6, 8, 9, 10, 11 and 14. We are now preparing the supplemental responses, and, with the exception of number 8, should have them finalized by early next week. We are awaiting additional information from our client with respect to number 8, and will supplement that response once we have received the additional information that we have requested.

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Finally, this will also confirm your agreement that TCCC does not need to update or supplement its responses to RC's document requests 25 and 27 until the close of discovery in these matters.

Please let me know if you have any questions regarding any of the above.

Best regards --

Bruce

Bruce W. Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

EXHIBIT 28

Laura Popp-Rosenberg

From: Laura Popp-Rosenberg
Sent: Monday, August 03, 2009 8:05 PM
To: 'Baber, Bruce'
Cc: Barbara Solomon; 'Brown, Emily'
Subject: RE: RC v. TCCC -- ZERO Oppositions

Dear Bruce:

I request the courtesy of a response to my email below.

Regards,
Laura

From: Laura Popp-Rosenberg
Sent: Wednesday, July 29, 2009 9:20 PM
To: Baber, Bruce
Cc: Barbara Solomon; Brown, Emily
Subject: RE: RC v. TCCC -- ZERO Oppositions

Bruce:

The discovery requests at issue were served in February, more than five months ago. Your client's continued delay in providing complete interrogatory responses and all responsive documents is inexcusable at this point. The applicable rules require your client's to produce documents in a timely manner, and it has not done so. Worse, it refuses to commit to doing so. We do not wish to have to make a motion to compel, but we also strongly believe that our discovery rights should not be prejudiced by your client's ongoing dilatory tactics.

With regard to the requested extension of the discovery deadline, we served our discovery requests well in advance of the discovery close date so that we could take follow-up discovery if needed. Your client's delay to date -- and its planned continued delay -- prejudices our ability to take follow-up discovery should any be necessary. This is why we need the extension. With regard to the expert disclosure date in particular, it is possible that the additional information provided by your client would have bearing on whether or not Royal Crown uses an expert in this proceeding. Please let us know immediately if your client consents.

I continue to disagree that you are proceeding in the manner you committed to during our July 8 conference, but do agree that it is not productive to debate the issue. I will keep in mind for the future that we must reduce all commitments to writing so that there is no further alleged misunderstanding. This is not the first time such "misunderstanding" as to your oral commitments has occurred, but I hope it will be the last.

My reference to Document Request No. 24 was in error; I meant Document Request No. 35. Please advise as to your client's intentions with respect to this Document Request, and whether your client will produce all additional documents by Friday, as requested in my email below.

I do not think it is unreasonable for you and your client to commit to a date by which it will supplement its response to Interrogatory No. 8. Your client seems to believe that it can provide requested and required discovery information at its leisure, which is in violation of the applicable rules. We therefore request a commitment date as to the supplemental response to Interrogatory No. 8 immediately.

Regards,
Laura

From: Baber, Bruce [mailto:BBaber@KSLAW.com]
Sent: Wednesday, July 29, 2009 2:51 PM
To: Laura Popp-Rosenberg
Cc: Brown, Emily

Subject: RE: RC v. TCCC -- ZERO Oppositions

Laura --

This will confirm that we are now finalizing our supplemental responses to RC's interrogatories 6, 9, 10, 11 and 14 and will serve them later today. As previously advised, we will supplement our response to interrogatory 8 as soon as we have received additional information from our client and I will try to provide a "date certain" as soon as I have some further information. We also will produce some additional documents by the end of this week.

With respect to the close of discovery issue, it would be helpful if you could give us some idea of why you believe additional time is needed, i.e., what further discovery you plan to initiate or take if the discovery period is extended. We also do not see any reason why the expert disclosure deadline should be further extended, but understand your message to mean that you want to extend that deadline as well. If so, we would also appreciate your thoughts on that issue.

As to the other issues addressed in your message of Monday evening, I do not think it is productive to debate what we did or did not "commit to" in our telephone conference on July 8; suffice it to say that it appears your understanding was different from mine in at least several respects. I believe that we have proceeded and are proceeding as we discussed in our conference, although it did take us a few days longer than anticipated to advise you that we were willing to supplement several of our interrogatory responses. And on a final point, I do not understand your request with respect to document request 24, as I indicated in my message to you of last Friday that we have asked the client to search for additional documents that may be responsive to request 24 (among others).

I will look forward to hearing back from you regarding the discovery and expert issues.

Best regards --

Bruce

Bruce W. Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

From: Laura Popp-Rosenberg [mailto:lpopp-rosenberg@frosszelnick.com]
Sent: Monday, July 27, 2009 8:43 PM
To: Baber, Bruce
Cc: Barbara Solomon
Subject: RE: RC v. TCCC -- ZERO Oppositions

Dear Bruce:

When we held our discovery conference, you committed to providing revised or supplemental responses and supplemental documents by July 17, and a privilege log by July 22. Your failure to live up to your commitments is disappointing, to say the least. I will expect the revised responses to Interrogatories Nos. 6, 9, 10, 11 and 14 by no later than **Wednesday, July 29**. I do not understand the delay with respect to revising the response to Interrogatory No. 8. Please advise a date certain in the near future as to when we can expect the revised response.

I will expect to receive all additional documents by the end of this week, **July 31**. This deadline is more than reasonable considering the document requests were served in February. This will confirm your representation to me on July 8 that your client has no documents responsive to Document Requests Nos. 33 and 35. Please advise by **Wednesday, July 29** why you are not producing documents in response to Document Request No. 24, since you indicated on July 8 that you

would be doing so.

Your client's discovery delinquencies are unfairly prejudicing my client's rights in this proceeding. We therefore request your consent to a 60-day extension of all dates in this proceeding. Please let us have your response to this request by **Wednesday, July 29** so we may know whether we must take the issue to the Board.

Regards,
Laura

From: Baber, Bruce [mailto:BBaber@KSLAW.com]
Sent: Friday, July 24, 2009 4:14 PM
To: Laura Popp-Rosenberg
Cc: Brown, Emily
Subject: RC v. TCCC -- ZERO Oppositions

Laura --

This is further to our call on July 8, in which we discussed certain of TCCC's discovery responses in the above matters.

As we agreed to do, we have reviewed TCCC's responses to certain of RC's discovery requests. Although we continue to believe that the original responses are sufficient, we are nonetheless agreeable to providing supplemental responses to several of them. More specifically, we are willing to supplement our prior responses to RC's interrogatories numbers 6, 8, 9, 10, 11 and 14. We are now preparing the supplemental responses, and, with the exception of number 8, should have them finalized by early next week. We are awaiting additional information from our client with respect to number 8, and will supplement that response once we have received the additional information that we have requested.

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This will also confirm our agreement to provide a log of any documents that would otherwise be responsive to RC's requests and subject to the descriptions of documents that we have agreed to produce but that are withholding on the basis of privilege. We have identified at least some such documents and are now preparing the log. We should have at least a preliminary log to you next week.

Finally, this will also confirm your agreement that TCCC does not need to update or supplement its responses to RC's document requests 25 and 27 until the close of discovery in these matters.

Please let me know if you have any questions regarding any of the above.

Best regards --

Bruce

Bruce W. Baber
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212-827-4079 (New York)
404-572-4826 (Atlanta)

EXHIBIT 29

Laura Popp-Rosenberg

From: Laura Popp-Rosenberg
Sent: Tuesday, August 04, 2009 5:03 PM
To: Baber, Bruce
Cc: Barbara Solomon
Subject: RE: RC v. TCCC -- ZERO Oppositions

Bruce:

You still have not provided a date by which you will produce additional documents (including in response to Document Request 35), a response to Interrogatory No. 8 or your client's long overdue privilege log -- that is, other than the dates you committed to during our teleconference on July 8, 2009, which have now long past. There is no excuse for the continued delay, which smacks of gamesmanship.

We will consider whether to take the 30-day extension you have offered or whether we will seek the Board's intervention with respect to the 60-day extension to which we firmly believe we are entitled.

As for the remainder of your email, I should not need to remind you that the discovery requests at issue were served in February and that your client was obligated to respond to them well before the proceedings were suspended; that the motion we filed in March was completely justified, as evidenced, *inter alia*, by the fact that your client did not oppose it and the Board granted it; that the suspension, in any event, did not suspend your client's discovery obligations; that your client still has not fully responded to the February discovery requests, and that we have had to expend considerable amount of time and money trying to get your client to live up to its discovery obligations.

Laura.

From: Baber, Bruce [mailto:BBaber@KSLAW.com]
Sent: Tuesday, August 04, 2009 3:01 PM
To: Laura Popp-Rosenberg
Cc: Brown, Emily
Subject: RE: RC v. TCCC -- ZERO Oppositions

Laura --

Because it is taking our client longer than anticipated to complete its search for any additional documents in the categories identified in my message of last Wednesday, we are willing to agree to a thirty-day extension of the close of the discovery period and all subsequent dates in connection with the above matters. This would extend the close of discovery until the first week of October, which should give you ample time to conduct any additional "follow-up discovery" that you believe is needed.

As to the remainder of your message, I should not need to remind you that these proceedings were suspended from late March until early June as a result of motions that you filed; that we have responded to all of your written discovery requests and have produced a significant number of documents in response to your requests; that what we are doing at this time is to try to address and resolve by agreement certain issues you have raised regarding a relatively small number of our discovery responses and the documents we have already produced; and that we believe that our discovery responses and the documents we have produced have been more than adequate and sufficient -- but we are nonetheless willing to revisit certain of them in view of your stated concerns. My client has assured me that it is conducting the follow-up activities that we discussed in a timely manner, and we will provide you with the results of those activities as soon as they have been completed.

Regards --

Bruce

Bruce W. Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

From: Laura Popp-Rosenberg [mailto:lpopp-rosenberg@frosszelnick.com]
Sent: Wednesday, July 29, 2009 9:20 PM
To: Baber, Bruce
Cc: Barbara Solomon; Brown, Emily
Subject: RE: RC v. TCCC -- ZERO Oppositions

Bruce:

The discovery requests at issue were served in February, more than five months ago. Your client's continued delay in providing complete interrogatory responses and all responsive documents is inexcusable at this point. The applicable rules require your client's to produce documents in a timely manner, and it has not done so. Worse, it refuses to commit to doing so. We do not wish to have to make a motion to compel, but we also strongly believe that our discovery rights should not be prejudiced by your client's ongoing dilatory tactics.

With regard to the requested extension of the discovery deadline, we served our discovery requests well in advance of the discovery close date so that we could take follow-up discovery if needed. Your client's delay to date -- and its planned continued delay -- prejudices our ability to take follow-up discovery should any be necessary. This is why we need the extension. With regard to the expert disclosure date in particular, it is possible that the additional information provided by your client would have bearing on whether or not Royal Crown uses an expert in this proceeding. Please let us know immediately if your client consents.

I continue to disagree that you are proceeding in the manner you committed to during our July 8 conference, but do agree that it is not productive to debate the issue. I will keep in mind for the future that we must reduce all commitments to writing so that there is no further alleged misunderstanding. This is not the first time such "misunderstanding" as to your oral commitments has occurred, but I hope it will be the last.

My reference to Document Request No. 24 was in error; I meant Document Request No. 35. Please advise as to your client's intentions with respect to this Document Request, and whether your client will produce all additional documents by Friday, as requested in my email below.

I do not think it is unreasonable for you and your client to commit to a date by which it will supplement its response to Interrogatory No. 8. Your client seems to believe that it can provide requested and required discovery information at its leisure, which is in violation of the applicable rules. We therefore request a commitment date as to the supplemental response to Interrogatory No. 8 immediately.

Regards,
Laura

From: Baber, Bruce [mailto:BBaber@KSLAW.com]
Sent: Wednesday, July 29, 2009 2:51 PM
To: Laura Popp-Rosenberg
Cc: Brown, Emily
Subject: RE: RC v. TCCC -- ZERO Oppositions

Laura --

This will confirm that we are now finalizing our supplemental responses to RC's interrogatories 6, 9, 10, 11 and 14 and will serve them later today. As previously advised, we will supplement our response to interrogatory 8 as soon as we have received additional information from our client and I will try to

provide a "date certain" as soon as I have some further information. We also will produce some additional documents by the end of this week.

With respect to the close of discovery issue, it would be helpful if you could give us some idea of why you believe additional time is needed, i.e., what further discovery you plan to initiate or take if the discovery period is extended. We also do not see any reason why the expert disclosure deadline should be further extended, but understand your message to mean that you want to extend that deadline as well. If so, we would also appreciate your thoughts on that issue.

As to the other issues addressed in your message of Monday evening, I do not think it is productive to debate what we did or did not "commit to" in our telephone conference on July 8; suffice it to say that it appears your understanding was different from mine in at least several respects. I believe that we have proceeded and are proceeding as we discussed in our conference, although it did take us a few days longer than anticipated to advise you that we were willing to supplement several of our interrogatory responses. And on a final point, I do not understand your request with respect to document request 24, as I indicated in my message to you of last Friday that we have asked the client to search for additional documents that may be responsive to request 24 (among others).

I will look forward to hearing back from you regarding the discovery and expert issues.

Best regards --

Bruce

Bruce W. Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

From: Laura Popp-Rosenberg [mailto:lpopp-rosenberg@frosszelnick.com]
Sent: Monday, July 27, 2009 8:43 PM
To: Baber, Bruce
Cc: Barbara Solomon
Subject: RE: RC v. TCCC -- ZERO Oppositions

Dear Bruce:

When we held our discovery conference, you committed to providing revised or supplemental responses and supplemental documents by July 17, and a privilege log by July 22. Your failure to live up to your commitments is disappointing, to say the least. I will expect the revised responses to Interrogatories Nos. 6, 9, 10, 11 and 14 by no later than **Wednesday, July 29**. I do not understand the delay with respect to revising the response to Interrogatory No. 8. Please advise a date certain in the near future as to when we can expect the revised response.

I will expect to receive all additional documents by the end of this week, **July 31**. This deadline is more than reasonable considering the document requests were served in February. This will confirm your representation to me on July 8 that your client has no documents responsive to Document Requests Nos. 33 and 35. Please advise by **Wednesday, July 29** why you are not producing documents in response to Document Request No. 24, since you indicated on July 8 that you would be doing so.

Your client's discovery delinquencies are unfairly prejudicing my client's rights in this proceeding. We therefore request your consent to a 60-day extension of all dates in this proceeding. Please let us have your response to this request by **Wednesday, July 29** so we may know whether we must take the issue to the Board.

Regards,

Laura

From: Baber, Bruce [mailto:BBaber@KSLAW.com]
Sent: Friday, July 24, 2009 4:14 PM
To: Laura Popp-Rosenberg
Cc: Brown, Emily
Subject: RC v. TCCC -- ZERO Oppositions

Laura --

This is further to our call on July 8, in which we discussed certain of TCCC's discovery responses in the above matters.

As we agreed to do, we have reviewed TCCC's responses to certain of RC's discovery requests. Although we continue to believe that the original responses are sufficient, we are nonetheless agreeable to providing supplemental responses to several of them. More specifically, we are willing to supplement our prior responses to RC's interrogatories numbers 6, 8, 9, 10, 11 and 14. We are now preparing the supplemental responses, and, with the exception of number 8, should have them finalized by early next week. We are awaiting additional information from our client with respect to number 8, and will supplement that response once we have received the additional information that we have requested.

In addition, as we discussed during our call, we have asked our client to conduct a further review of its files to determine whether there are additional documents responsive to RC's document requests numbers 24, 26 (as to FULL THROTTLE ZERO), 29 and 31. We will let you know as soon as we receive the results of that further review. We also anticipate that we will be able to produce to you next week some additional documents responsive to document requests 30 and/or 32, as we also discussed during our call.

This will also confirm our agreement to provide a log of any documents that would otherwise be responsive to RC's requests and subject to the descriptions of documents that we have agreed to produce but that are withholding on the basis of privilege. We have identified at least some such documents and are now preparing the log. We should have at least a preliminary log to you next week.

Finally, this will also confirm your agreement that TCCC does not need to update or supplement its responses to RC's document requests 25 and 27 until the close of discovery in these matters.

Please let me know if you have any questions regarding any of the above.

Best regards --

Bruce

Bruce W. Baber
King & Spalding LLP
212-827-4079 (New York)
404-572-4826 (Atlanta)

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CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of the **Declaration of Laura Popp-Rosenberg in Support of Royal Crown's Motion to Compel and Motion to Extend Time** to be deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to counsel for Applicant, Bruce Baber, Esq., King & Spalding LLP, 1185 Avenue of the Americas, New York, NY 10036-4003, this 21st day of August, 2009.

Laura Popp-Rosenberg