

ESTTA Tracking number: **ESTTA531780**

Filing date: **04/11/2013**

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

Proceeding	91178927
Party	Plaintiff Royal Crown Company, Inc. and Dr. Pepper/Seven Up, Inc.
Correspondence Address	LAURA POPP ROSENBERG FROSS ZELNICK LEHRMAN ZISSU PC 866 UNITED NATIONS PLAZA NEW YORK, NY 10017 UNITED STATES bsolomon@fzlz.com, bsolomon@frosszelnick.com, lpopp-rosenberg@frosszelnick.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Laura Popp-Rosenberg
Filer's e-mail	lpopp-rosenberg@fzlz.com,bsolomon@fzlz.com
Signature	/Laura Popp-Rosenberg/
Date	04/11/2013
Attachments	Stipulated Motion to Extend Trial Dates (April 2013) (F1205555).PDF (5 pages) (15065 bytes)

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

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

— and —

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

STIPULATED MOTION TO EXTEND TRIAL DATES

Counsel for Royal Crown Company, Inc. and Dr Pepper/Seven Up, Inc. (together, “DPSU”) and counsel for The Coca-Cola Company (“TCCC”) hereby jointly submit this Stipulated Motion to Extend Trial Dates, seeking a 30-day extension of the current schedule. The parties do not make this request for purposes of delay but rather to accommodate orderly conclusion of document production and preparation for trial thereafter.

On March 15, 2013, the Board issued an order granting in part and denying in part Royal Crown Company, Inc.’s Motion to Compel and to Test Sufficiency of Objection (the “March 15 Order”). The March 15 Order gave TCCC until April 15, 2013 to “select, designate and identify the items and documents, or categories of items and documents, to be produced in response to [Royal Crown]’s January 14, 2010 and February 23, 2010 document requests,” and gave DPSU thirty days from DPSU’s receipt of such notification – that is, until May 15, 2013 – “to inspect and copy the produced materials . . . unless the parties otherwise agree.” The March 15 Order also reset the trial dates in these consolidated proceedings, setting May 15, 2013 as the deadline for DPSU’s pretrial disclosures.

The parties agree that DPSU should have at least thirty days between the time TCCC makes its document production in response to the March 15 Order and the date DPSU’s pretrial disclosures are due. Therefore, the parties jointly seek a 30-day extension of the trial date and jointly stipulate to and respectfully request the Board to approve and enter the following schedule:

	Deadline under March 15 Order	New Deadline
Plaintiff in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658 Pretrial Disclosures Due	May 15, 2013	June 14, 2013
30-day testimony period for plaintiff in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658 testimony to close	June 29, 2013	July 29, 2013

	Deadline under March 15 Order	New Deadline
Defendant in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658 and Plaintiff in Opposition No. 91184434 Pretrial Disclosures Due	July 14, 2013	August 13, 2013
30-day testimony period for defendant in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658 and plaintiff in Opposition No. 91184434 to close	August 28, 2013	September 27, 2013
Defendant in Opposition No. 91184434 Pretrial disclosures due and Plaintiff in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658 Rebuttal Disclosures Due	September 12, 2013	October 12, 2013
30-day testimony period for defendant in Opposition No. 91184434 and rebuttal testimony for plaintiff in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658 to close	October 27, 2013	November 26, 2013
Plaintiff in Opposition No. 91184434 Rebuttal Disclosures Due	November 11, 2013	December 11, 2013
15-day rebuttal period for plaintiff in Opposition No. 91184434 to close	December 11, 2013	January 10, 2014
Brief for plaintiff in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658 due	February 9, 2014	March 11, 2014
Brief for defendant in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658 and as plaintiff in Opposition No. 91184434 due	March 11, 2014	April 10, 2014

	Deadline under March 15 Order	New Deadline
Brief for defendant in the Opposition No. 91184434 and reply brief, if any, for plaintiff in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658 due	April 10, 2014	May 10, 2014
Reply brief, if any, for plaintiff in Opposition No. 91184434, due	April 25, 2014	May 25, 2014

Respectfully submitted,

Dated: April 11, 2013

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

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

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

Dated: April 11, 2013

KING & SPALDING LLP

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

Attorneys for The Coca-Cola Company

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of the foregoing **Stipulated Motion to Extend Trial Dates** to be sent by email to counsel for Applicant, Bruce Baber, Esq., at bbaber@kslaw.com, with said counsel's consent, this 11th day of April 2013.

/Laura Popp-Rosenberg/

Laura Popp-Rosenberg