

ESTTA Tracking number: **ESTTA331592**

Filing date: **02/11/2010**

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

Proceeding	91188053
Party	Plaintiff High Voltage Beverages, LLC
Correspondence Address	Jonathan Z. King Cowan, Liebowitz and Latman 1133 Avenue of the Americas New York, NY 10036 UNITED STATES hlj@cll.com, jzk@cll.com, trademark@cll.com
Submission	Other Motions/Papers
Filer's Name	Elise Kasell
Filer's e-mail	eck@cll.com, jzk@cll.com, trademark@cll.com
Signature	/Elise Kasell/
Date	02/11/2010
Attachments	High Voltage Beverages LLC v The Coca-Cola Company Joint Report on Status of Civil Action2.pdf (3 pages)(46435 bytes)

28236.000

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

In the Matter of Application Serial No. 77/021,871
Filed: October 16, 2006
For Mark: VAULT RED BLITZ
Published in the Official Gazette: November 18, 2008

----- X

HIGH VOLTAGE BEVERAGES, LLC,

Opposer,

Opposition No. 91188053

-against-

THE COCA-COLA COMPANY,

Applicant.

----- X

JOINT REPORT ON STATUS OF CIVIL ACTION

Opposer High Voltage Beverages, LLC (“HVB”), on behalf of itself and applicant The Coca-Cola Company, submits this response to the Board’s Order of February 4, 2010 regarding the status of the civil proceeding which occasioned suspension of the instant proceeding, High Voltage Beverages, LLC v. The Coca-Cola Company, 3:08-cv-367 (W.D.N.C.). The Civil Action remains pending and awaits, among other things, dispositive motions and trial. In light of the continuing activity in the civil action, the parties respectfully request that the suspension of the instant proceeding be continued pending resolution of the civil action.

Dated: New York, New York
February 11, 2010

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys For Opposer

By: Jonathan Z. King
Jonathan Z. King
1133 Avenue of the Americas
New York, NY 10036-6799
(212) 790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 11, 2010, a copy of the foregoing Joint Report on Status of Civil Action was served via first class, postage paid mail on applicant's counsel addressed as follows:

Adam Seitz, Esq.
Shook, Hardy & Bacon, L.L.P.
2555 Grand Blvd.
Kansas City, Missouri U.S.A. 64108

/Jonathan Z. King/
Jonathan Z. King