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

Proceeding	91197767
Party	Plaintiff The Coca-Cola Company
Correspondence Address	BRUCE W BABER KING & SPALDING LLP 1180 PEACHTREE STREET ATLANTA, GA 30309 3521 UNITED STATES Primary Email: bbaber@kslaw.com Secondary Email(s): ebrown@kslaw.com, kmccarthy@kslaw.com 404-572-4600
Submission	Withdrawal of Opposition
Filer's Name	Bruce W. Baber
Filer's email	bbaber@kslaw.com, kmccarthy@kslaw.com, nytrademarks@kslaw.com
Signature	/Bruce W Baber/
Date	11/24/2020
Attachments	2020.11.24 TCCC Notice of Final Determination and Dismissal.pdf(78416 bytes )

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

THE COCA-COLA COMPANY,	)	
	)	
Opposer,	)	
	)	OPPOSITION NO. 91197767
v.	)	
	)	
ROBERT J. CORR d/b/a	)	
NATURALLY ZERO,	)	
	)	
Applicant.	)	

NOTICE OF FINAL DETERMINATION OF RELATED PROCEEDINGS  
AND NOTICE OF DISMISSAL WITHOUT PREJUDICE

Opposer THE COCA-COLA COMPANY (“TCCC”) submits this notice regarding the related proceedings that occasioned the suspension of proceedings herein and, in accordance with Rule 41(a)(1)(A)(i), hereby dismisses its Opposition herein without prejudice.

On February 25, 2016, the Board suspended proceedings herein until after the final determination of Opposition 91178927. TTABVUE 24.

Opposition 91178927 has recently been finally concluded. Opposition 91178927 was part of a consolidated proceeding that ultimately included several other oppositions also filed by Royal Crown, with opposition proceeding 91178927 being designated the “parent” case. See Opposition 91178927 TTABVUE 13, 17, 19, 32, 37. As the TTABVUE docket in Opposition 91178927 demonstrates, the

consolidated oppositions were the subject of a Board decision on the merits in May of 2016 (TTABVUE 171); an appeal to the Federal Circuit that resulted in a remand to the Board in July of 2018 (TTABVUE 175); a further Board decision in May of 2019 (TTABVUE 187); and a second appeal to the Federal Circuit. (TTABVUE 187).

The second appeal to the Federal Circuit was decided on August 3, 2020, when the Federal Circuit issued its opinion dismissing Royal Crown's second appeal. Under the applicable rules, Royal Crown had 90 days from the date of the Federal Circuit's August 3, 2020 Judgment – or until Monday, November 2, 2020 – within which to file a petition for writ of certiorari with the Supreme Court. No such petition was timely filed.

In view of the above, the proceeding that occasioned the suspension of proceedings herein are concluded.

TCCC does not believe that further proceedings herein are necessary. TCCC therefore dismisses without prejudice the Opposition herein, in accordance with Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure.

Respectfully submitted, this 24th day of November, 2020.

KING & SPALDING LLP

/Bruce W. Baber/  
Bruce W. Baber

1180 Peachtree Street, N.E.  
Atlanta, Georgia 30309-3521  
(404) 572-4600

Attorneys for Opposer  
THE COCA-COLA COMPANY

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing Notice Of Final Determination Of Related Proceedings And Notice Of Dismissal Without Prejudice on the Applicant, by causing a true and correct copy thereof to be forwarded by electronic mail to the attorney of record for the Applicant as follows:

Mr. Robert J Corr  
rjcorr@gmail.com  
PO Box 2099  
Michigan City, Indiana 46360

This 24th day of November, 2020.

/Bruce W. Baber/  
Bruce W. Baber