

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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LTS

June 9, 2020

Opposition No. 91255300

The Coca-Cola Company

v.

Ahmed Mahmoud Roshdy Kilany Dakroury

Lawrence T. Stanley, Jr., Interlocutory Attorney:

Applicant's consented motion, filed May 26, 2020, to extend time to file his answer to the notice of opposition is **granted**.¹ Trademark Rule 2.127(a). An answer must be filed through ESTTA, the Board's Electronic System for Trademark Trials and Appeals. See Trademark Rule 2.106(b)(1). The answer, conference, disclosure, discovery and trial dates are reset below.

On May 14, 2020, a document, captioned "Opposer Moves for Dismissal of the Notice of Opposition," was filed and purportedly signed by Opposer's counsel. 4 TTABVUE. The same day, a document, captioned "The Applicant Objects Coke Head

¹ When parties stipulate to the rescheduling of a deadline for pretrial disclosures and subsequent testimony periods or to the rescheduling of the closing date for discovery and the rescheduling of subsequent deadlines for pretrial disclosures and testimony periods, a stipulation presented in the form used in a trial order, signed by the parties, or a motion in said form signed by one party and including a statement that every other party has agreed thereto, shall be submitted to the Board through ESTTA, with the relevant dates set forth and an express statement that all parties agree to the new dates. Trademark Rule 2.121(d).

Dismissal Request and Instead that Board Members be Removed Was Not President Men,” was filed and purportedly signed by Applicant’s counsel and Opposer’s counsel. 5 TTABVUE. Soon thereafter on the same day, Applicant notified the Board that Applicant’s counsel did not sign the document at 5 TTABVUE and that Applicant did not otherwise authorize the filing of 5 TTABVUE. Thereafter, also on May 14, 2020, “Alberto Solar Somohano” filed a document purporting to be an “intervener” and arguing that continuation of this proceeding is “unlawful.”² 7 TTABVUE.

Mr. Solar Somohano is not a party to this proceeding, and nothing in the record confirms or suggests that Mr. Solar Somohano was authorized to file the document at 4 TTABVUE on behalf of Opposer or the document at 5 TTABVUE on behalf of Applicant. To the contrary, Applicant expressly states that Mr. Solar Somohano was not authorized to file the document at 5 TTABVUE.

Accordingly, the documents at 4, 5, and 7 TTABVUE will receive no consideration.

The answer, conference, disclosure, discovery, and trial dates are reset as follows:

Time to Answer	6/24/2020
Deadline for Discovery Conference	7/24/2020
Discovery Opens	7/24/2020
Initial Disclosures Due	8/23/2020
Expert Disclosures Due	12/21/2020
Discovery Closes	1/20/2021
Plaintiff’s Pretrial Disclosures Due	3/6/2021
Plaintiff’s 30-day Trial Period Ends	4/20/2021
Defendant’s Pretrial Disclosures Due	5/5/2021

² Mr. Solar Somohano (aka Alberto Soler) is a party in connection with several proceedings whereby The Cocoa-Cola Company is the opposer or petitioner, and those proceedings have been suspended pending an appeal that Mr. Soler filed in the Federal Circuit Court of Appeals. 7 TTABVUE 4-8 (suspension order).

Defendant's 30-day Trial Period Ends	6/19/2021
Plaintiff's Rebuttal Disclosures Due	7/4/2021
Plaintiff's 15-day Rebuttal Period Ends	8/3/2021
Plaintiff's Opening Brief Due	10/2/2021
Defendant's Brief Due	11/1/2021
Plaintiff's Reply Brief Due	11/16/2021
Request for Oral Hearing (optional) Due	11/26/2021

Generally, the Federal Rules of Evidence apply to Board trials. Trial testimony is taken and introduced out of the presence of the Board during the assigned testimony periods. The parties may stipulate to a wide variety of matters, and many requirements relevant to the trial phase of Board proceedings are set forth in Trademark Rules 2.121 through 2.125. These include pretrial disclosures, the manner and timing of taking testimony, matters in evidence, and the procedures for submitting and serving testimony and other evidence, including affidavits, declarations, deposition transcripts and stipulated evidence. Trial briefs shall be submitted in accordance with Trademark Rules 2.128(a) and (b). Oral argument at final hearing will be scheduled only upon the timely submission of a separate notice as allowed by Trademark Rule 2.129(a).

TIPS FOR FILING EVIDENCE, TESTIMONY, OR LARGE DOCUMENTS

The Board requires each submission to meet the following criteria before it will be considered: 1) pages must be legible and easily read on a computer screen; 2) page orientation should be determined by its ease of viewing relevant text or evidence, for example, there should be no sideways or upside-down pages; 3) pages must appear in their proper order; 4) depositions and exhibits must be clearly labeled and numbered

– use separator pages between exhibits and clearly label each exhibit using sequential letters or numbers; and 5) the entire submission should be text-searchable. Additionally, submissions must be compliant with Trademark Rules 2.119 and 2.126. Submissions failing to meet all of the criteria above may require re-filing. **Note:** Parties are strongly encouraged to check the entire document before filing.³ The Board will not extend or reset proceeding schedule dates or other deadlines to allow time to re-file documents. For more tips and helpful filing information, please visit the [ESTTA help](#) webpage.

³ To facilitate accuracy, ESTTA provides thumbnails to view each page before submitting.