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

Proceeding	91182109
Party	Plaintiff The Coca-Cola Company
Correspondence Address	Bruce W. Baber King & Spalding LLP 1180 Peachtree Street Atlanta, GA 30309 UNITED STATES BBaber@KSLAW.com, cpearlstein@na.ko.com, lysims@na.ko.com, jce@ked-iplaw.com
Submission	Motion for Sanctions
Filer's Name	Emily Bienko Brown
Filer's e-mail	bbaber@kslaw.com, ebrown@kslaw.com, pguibault@na.ko.com
Signature	/Emily Bienko Brown/
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Attachments	Motion for Sanctions.pdf (42 pages)(431350 bytes)

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

THE COCA-COLA COMPANY,)	
)	
Opposer,)	OPPOSITION
)	
v.)	NO. 91182109
)	
ARDENBAY LIMITED,)	
)	
Applicant.)	

OPPOSER'S MOTION FOR SANCTIONS
AND ENTRY OF JUDGMENT

NOW COMES THE COCA-COLA COMPANY ("TCCC" or "Opposer"), the opposer in the above-captioned matter, and, by and through its undersigned counsel and in accordance with Rule 37 of the Federal Rules of Civil Procedure and Rule 2.120(g)(2) of the Trademark Rules of Practice, hereby moves before the Trademark Trial and Appeal Board (the "Board") for entry of an order imposing sanctions on applicant Ardenbay Limited ("Ardenbay" or "Applicant") for failure to provide any responses to Opposer's discovery requests that were served on Applicant on October 6, 2008. Opposer requests, in accordance with Rule 2.120(g)(2), that the Board strike the Answer filed by Applicant and enter judgment in favor of TCCC and against Applicant, sustaining the Opposition and refusing registration to the mark VALT as shown in Application Serial No. 78-879,490.

In support of this motion, TCCC respectfully shows that TCCC served on Applicant's counsel on October 6, 2008 Opposer's First Set of Interrogatories

(hereinafter "Interrogatories") and Opposer's First Set of Requests for Production of Documents and Things (hereinafter "Document Requests"). Applicant's responses to Opposer's Interrogatories and Document Requests were due on November 10, 2008. True and correct copies of Opposer's Interrogatories and Document Requests are attached hereto as Exhibits A and B.

In further support hereof, Opposer shows that counsel for Applicant informed counsel for Opposer in an e-mail message dated November 19, 2008, that Applicant's responses to the Interrogatories and Document Requests would not be forthcoming. This message from Applicant's counsel was in response to Opposer's counsel's e-mail inquiry regarding the status of Applicant's responses to Opposer's outstanding discovery requests. A copy of the November 19, 2008 e-mail exchange between counsel is attached hereto as Exhibit C.

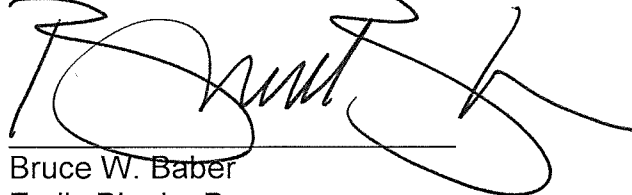
Applicant's failure to provide any response to Opposer's Interrogatories and Document Requests and counsel's November 19, 2008 email stating that Applicant would not be providing responses to the Interrogatories and Document Requests are sufficient to warrant sanctions against Applicant. 37 C.F.R. § 2.120(g)(2).

WHEREFORE, for the foregoing reasons, and those stated more fully in the accompanying memorandum of law filed concurrently herewith in accordance with 37 C.F.R. § 2.127(a), Opposer The Coca-Cola Company respectfully requests that the Board enter sanctions against Applicant, namely, that the Board strike the Answer of Applicant filed on March 6, 2008 and enter judgment in favor of TCCC and against Applicant, sustaining Opposer's Opposition and refusing registration to the mark VALT, as shown in Applicant's Application Serial No. 78-879,490.

This 1st day of December, 2008.

Respectfully submitted,

KING & SPALDING LLP

A handwritten signature in black ink, appearing to read 'Bruce W. Baber', written over a horizontal line.

Bruce W. Baber
Emily Bienko Brown

1180 Peachtree Street, N.E.
Atlanta, Georgia 30309-3521
Telephone: (404) 572-4600
Facsimile: (404) 572-5145

Attorneys for Opposer
THE COCA-COLA COMPANY

EXHIBIT A

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