

DEPARTMENT OF COMMERCE

BUREAU OF FOREIGN AND DOMESTIC COMMERCE

VICE OF COMMERCIAL ATTACHÉ
BUSH HOUSE
LONDON, ENGLAND

LONDON, January 14, 1929.

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Coca-Cola

The Director,
Bureau of Foreign & Domestic Commerce,
Department of Commerce,
WASHINGTON, D.C.

Attention: Mr. O.P. Hopkins, Assistant Director.

Subject: Coca Cola Trade Mark, - reference 25-CJJ.

Dear Mr. Hopkins,

I have received your letter of December 10 regarding the desire of the patent agents of the Coca Cola Company that Mr. Fox and Mr. Park shall give evidence in their suit against Duckworth & Company. This matter came up about two years ago, and, although affidavits were given by Mr. Park and Mr. Fox, we distinctly stipulated that they should not be called upon to give evidence in Court without our having an opportunity to take the matter up with the Bureau. Evidently Messrs. Marks & Clerk thought it better to take the matter up direct with the Bureau rather than through this office.

We have had a visit from the solicitors in the case, who wanted to have Messrs. Fox and Park testify as United States Trade Commissioners attached to the Embassy in London. I informed the solicitors that this could not be done, as the evidence desired was purely of a personal nature, and that neither the Embassy nor the Bureau would agree to ~~having~~ either Trade Commissioner giving evidence in an official capacity. The solicitors have accordingly agreed that Messrs. Fox and Park will be called only as American citizens temporarily residing in London, and that their evidence will be of a purely personal nature. The evidence will be to the effect that they have obtained coca cola both in the United States and Great Britain, that they recognize the taste, that they do not regard the name "Coca-cola" as a generic expression, but one which applies only to the beverage manufactured by the Coca Cola Company.

It has been difficult to get witnesses on account of

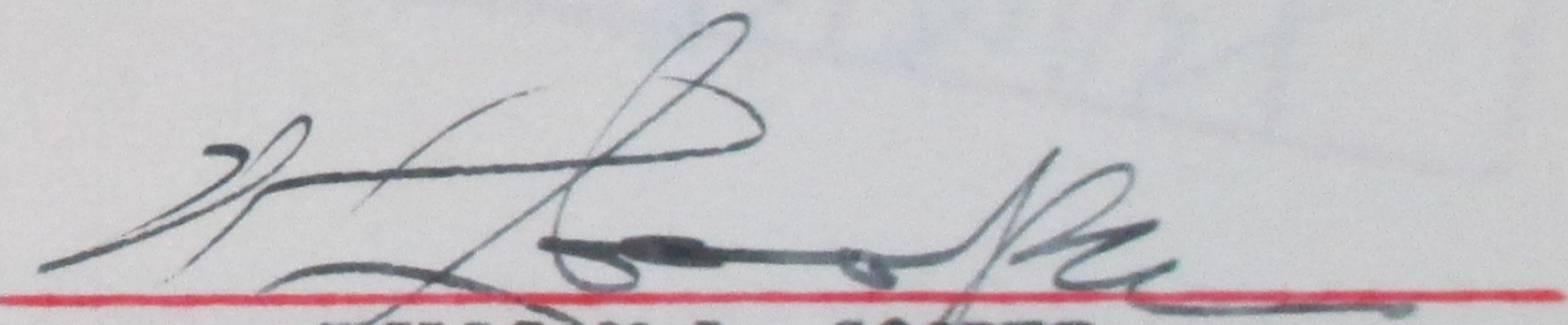
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Subject: Coca Cola Trade Mark - reference 25-CJJ Page 2.

coca-cola having been sold only in limited quantities in this country, and therefore the evidence of Messrs. Fox and Park is important. It would, however, be a mistake for them to testify in anything except a personal capacity, and the solicitors have been fully impressed with this fact.

Very truly yours,



WILLIAM L. COOPER
American Commercial Attache

WLC:MB.

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DEPARTMENT OF COMMERCE
BUREAU OF FOREIGN AND DOMESTIC COMMERCE

INDEXED
FILE No. 353

Coca-Cola

February 6, 1929.

25-CJJ.

Mr. William L. Cooper,
The American Commercial Attache,
Bush House,
London, England.
WASHINGTON, D.C.

Subject: Coca Cola Testimony.

Dear Mr. Cooper: J. Junkin, Chief, Division of Commercial Laws.

Subject: Coca Cola Testimony.

Your letter of January 14th outlining the testimony by Mr. Park

and Mr. Fox has been received.

I sat in on the decision, which was made with reference to
this matter of giving testimony for the Coca Cola Company on the
permitting these gentlemen to testify, and I know that the action that
Court until next autumn.

you have taken and the limitations which you have placed upon their

Very truly yours,

testimony exactly accords with what the Bureau had in mind at the

time we wrote you.

William M. Park

As a matter of interest, I should very much like to know how
Trade Commissioner.

the litigation results.

Very truly yours,

C. J. Junkin,

Chief, Division of Commercial Laws.

BML

Forwarded:

Louis Domeratzky,
Questionnaire Committee.

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W.M.P. COOPER

DEPARTMENT OF COMMERCE
BUREAU OF FOREIGN AND DOMESTIC COMMERCE

FILE NO. 25-303

Coca Cola

February 28, 1929.

OFFICE OF COMMERCIAL ATTACHÉ
BUSH HOUSE
LONDON, ENGLAND

The Director,
Bureau of Foreign & Domestic Commerce,
Department of Commerce,
WASHINGTON. D.C.

Attention: Mr. C. J. Junkin, Chief, Division of Commercial Laws.

Subject: Coca Cola Testimony.

Dear Mr. Junkin,

Mr. Cooper has shown me your letter of February 9 ref. 25-CJJ. This matter of giving testimony for the Coca Cola Company on the part of myself and Mr. Fox has now been definitely postponed by the Court until next autumn.

Very truly yours,

William M. Park

WILLIAM M. PARK.
Trade Commissioner.

WMP:MID.