

Wolfson

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Mailed: May 22, 2007

Opposition No. 91159137

Opposition No. 91159361

THRESHOLD ENTERPRISES LTD.

v.

NATURAL SOURCE INTERNATIONAL,  
LTD.

These cases were consolidated on July 28, 2004. On May 19, 2006,<sup>1</sup> applicant filed an express abandonment of its trademark application serial no. 76504365. The application is the subject of Opposition No. 91159137.

Applicant's abandonment was without the written consent of opposer. In view thereof, judgment in Opposition No. 91159137 is entered against applicant, the opposition is sustained, and registration to applicant is refused. See Trademark Rule 2.135.

Opposition No. 91159361 (filed against trademark application serial no. 76506477) will go forward on the following pending motions:

1. Applicant's combined motion (filed September 25, 2006) to compel opposer to respond to applicant's

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<sup>1</sup> Applicant filed abandonment of the application with the Board on April 19, 2006, but did not file a copy thereof showing service on opposer's counsel until May 19, 2006.

first set of interrogatories and requests for production of documents, for an extension of the discovery period for applicant, and for entry of its protective order; and

2. Opposer's motion (filed November 10, 2006) for entry of a protective order.

The motions have been fully briefed<sup>2</sup> and will be decided by telephone conference on May 30, 2007 at 2 p.m. eastern time, unless otherwise agreed upon by the parties and the Board.<sup>3</sup>

The following additional matters are now addressed. First, on August 2, 2006, applicant filed a consented motion to extend discovery and trial dates. The motion is granted.

Secondly, applicant twice changed counsel. On June 29, 2006, applicant's former attorney of record, Jacqueline Patt, Esq. of the firm Venable LLP filed a request to withdraw (which is hereby granted), and Paul Fakler, Esq. of the firm Thelen Reid & Priest, LLP, made an appearance for applicant (on July 11, 2006). Subsequently, on March 27, 2007, Lana Marina, Esq. of the firm Winston & Strawn LLP made an appearance for applicant in Opposition No.

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<sup>2</sup> The parties should note that inasmuch as the cases were consolidated, all papers should have been filed in the parent case, Opposition No. 91159137. TBMP § 511 (2d ed. rev. 2004).

<sup>3</sup> During the May 8, 2007 phone conference with Ms. Marina, the Board suggested a May 22, 2007 conference date, which was subsequently changed following a further phone conference to May 30. The parties are free to contact the Board to select a different date or time for the conference. Ms. Wolfson is available at 571-272-4323.

91159361.<sup>4</sup> To clarify applicant's intended representation, the Board interlocutory attorney assigned to this case telephoned Ms. Marina and confirmed that she is presently representing applicant in both oppositions (although Opposition No. 91159137 will be terminated following this order). Correspondence will be sent to Ms. Marina on behalf of applicant.

Finally, the Board notes the "additional appearance" filed in Opposition No. 91159361 of Steven Baron, Esq. and Kristen Lingren, Esq. of the firm Mandell Menkes LLC as counsel for opposer. The appearance of the additional attorneys is accepted. Correspondence will continue to be sent to opposer's counsel of record, Mary Catherine Merz, Esq. See TBMP § 117.02 (2d ed. rev. 2004).

Proceedings are suspended pending disposition of the pending motions to compel and for a protective order.<sup>5</sup> Trademark Rule 2.120(e)(2).

***By the Trademark Trial  
and Appeal Board***

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<sup>4</sup> A change of correspondence address for applicant was also filed on November 30, 2006 by Marlene Williams, Esq. of the firm Thelen Reid Brown Raysman & Steiner, LLP.

<sup>5</sup> The parties should not file any paper which is not germane to the pending motions. See Trademark Rule 2.120(e)(2). This suspension order does not toll the time for either party to respond to discovery requests which had been duly served prior to the filing of the motion to compel, nor does it toll the time for a party to appear for a discovery deposition which had been duly noticed prior to the filing of the motion to compel. See *Id.*