

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



\_\_\_\_\_  
Threshold Enterprises Ltd.,  
Opposer,  
vs.  
Natural Source International, Ltd.,  
Applicant.  
\_\_\_\_\_

05-21-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

Opposition No. 91159137  
Serial No. 76/504,365  
Mark:  
NATURAL SOURCE and Design

40803-204061

**MOTION FOR LEAVE TO FILE LATE ANSWER**

Natural Source International, Ltd., the Applicant, hereby requests leave to file a late Answer to the Notice of Opposition, which was due May 1, 2004. Applicant's Answer to the Notice of Opposition is attached hereto. On March 27, 2004, the Board granted the Applicant's consented request to extend time to file an answer and set the time for Applicant to answer the Notice of Opposition as May 1, 2004.

Applicant and Opposer were actively involved in settlement negotiations, and consequently, Opposer consented to Applicant's request for an extension of time to file its Answer. At the time Applicant's Answer was due after its extension request was granted by this Board, Applicant believed settlement negotiations were ongoing and that Opposer would again consent to a further extension of time. However, Opposer's counsel declined to consent to a further extension of time.

In the interim, Applicant sought new legal counsel for representation in this matter. Applicant has now obtained new counsel and has filed concurrently herewith, a Notice of Appearance of Applicant's new counsel.

Applicant submits that because it believed the settlement negotiations were ongoing and because it was seeking new legal representation, Applicant unintentionally missed its deadline to file its Answer to the Notice of Opposition in this matter. Applicant respectfully requests that leave be granted to file a late Answer in this matter. Applicant submits that no harm will occur by granting leave in this case.

WHEREFORE for good cause shown, Opposer's Motion for Leave to File an Amended Notice of Opposition should be granted.

Respectfully submitted,

Dated: May 21, 2004

  
\_\_\_\_\_  
Janet F. Satterthwaite  
Jacqueline Levasseur Patt  
VENABLE LLP  
575 7<sup>th</sup> Street, N.W.  
Washington, D.C. 20004-1601  
Telephone: (202) 344-4000  
Telefax: (202) 344-8300

Attorneys for Applicant

CERTIFICATE OF SERVICE

The undersigned, attorney for Applicant, hereby certifies that she served, by first class mail, postage prepaid, a copy of the foregoing MOTION FOR LEAVE TO FILE LATE ANSWER upon attorney of record for Opposer, Mary Catherine Merz, Esq., Merz & Associates, P.C., 1140 Lake Street, Suite 304, Oak park, Illinois 60301-1051, this 21<sup>st</sup> day of May, 2004.

  
\_\_\_\_\_  
Jacqueline Levasseur Patt

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Opposition No. 91159137

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Mark:

NATURAL SOURCE and Design

**ANSWER**

For its answer to the notice of opposition, Applicant, Natural Source International, Ltd., states the following:

1. Admitted.
2. Admitted.
3. Applicant is without knowledge of information sufficient to admit or deny the allegations of ¶ 3 of the notice of opposition and therefore denies same.
4. Applicant is without knowledge of information sufficient to admit or deny the allegations of ¶ 4 of the notice of opposition and therefore denies same.
5. Applicant is without knowledge of information sufficient to admit or deny the allegations of ¶ 5 of the notice of opposition and therefore denies same.
6. Applicant is without knowledge of information sufficient to admit or deny the allegations of ¶ 6 of the notice of opposition and therefore denies same.
7. Applicant is without knowledge of information sufficient to admit or deny the allegations of ¶ 7 of the notice of opposition and therefore denies same.

8. Applicant is without knowledge of information sufficient to admit or deny the allegations of ¶ 8 of the notice of opposition and therefore denies same.

9. Denied.

10. Denied.

Applicant denies all allegations of the notice of opposition not expressly admitted above.

**AFFIRMATIVE DEFENSES**

1. Opposer has no claim to the exclusive right to use the terms NATURAL and SOURCE in connection with goods in International Class 5.

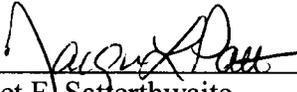
2. Applicant is not aware of any instances of actual confusion resulting from the coexistence of Applicant's use of the mark NATURAL SOURCE and design and the mark SOURCE NATURALS used in connection with goods in International Class 5.

3. There is no likelihood of confusion between the mark SOURCE NATURALS and Applicant's mark NATURAL SOURCE and design.

WHEREFORE, Applicant prays that the notice of opposition be dismissed.

Respectfully submitted,

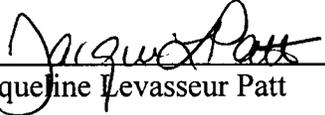
Dated: May 21, 2004

  
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Telephone: (202) 344-4000  
Telefax: (202) 344-8300

Attorneys for Applicant

CERTIFICATE OF SERVICE

The undersigned, attorney for Applicant, hereby certifies that she served, by first class mail, postage prepaid, a copy of the foregoing ANSWER upon attorney of record for Opposer, Mary Catherine Merz, Esq., Merz & Associates, P.C., 1140 Lake Street, Suite 304, Oak park, Illinois 60301-1051, this 21<sup>st</sup> day of May, 2004.

  
\_\_\_\_\_  
Jacqueline Levasseur Patt

TTAB



Writer's Direct Number: (202) 344-8152

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May 21, 2004



05-21-2004

U.S. Patent & TMOtc/TM Mail Rcpt Dt. #22

**VIA HAND DELIVERY**

Assistant Commissioner For Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

**ATTN: BOX TTAB NO FEE**

Re: **NATURAL SOURCE INTERNATIONAL, LTD.**  
**Mark: NATURAL SOURCE and Design - SERIAL NO. 76/504,365**  
**OPPOSITION NO.: 91159137**  
**Our Reference No.: 40803-204061**

Sir:

We enclose the following for filing in the U.S. Patent and Trademark Office:

- 1. Motion for Leave to File Late Answer and
- 2. Answer

Please charge any additional fees to the undersigned's Deposit Account No. 22-0261.

Please send all correspondence in connection with this matter to the undersigned's attention.

Respectfully submitted,

By: Jacqueline L. Patt  
Jacqueline L. Patt  
Attorney for Applicant

Enclosure: As Stated  
JEL/bmh

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