

ESTTA Tracking number: **ESTTA651867**

Filing date: **01/23/2015**

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

Proceeding	91212477
Party	Defendant GFA Brands, Inc.
Correspondence Address	JOHANNA M WILBERT QUARLES & BRADY LLP 411 E WISCONSIN AVE, SUITE 2040 MILWAUKEE, WI 53202-4497 UNITED STATES tm-dept@quarles.com, johanna.wilbert@quarles.com, david.cross@quarles.com, DRC@quarles.com, marta.levine@quarles.com, andrea.fowler@quarles.com
Submission	Testimony For Defendant
Filer's Name	Johanna M. Wilbert
Filer's e-mail	johanna.wilbert@quarles.com, deena.rafinski@quarles.com
Signature	/Johanna M. Wilbert/
Date	01/23/2015
Attachments	GFA's Notice of Filing of October 15, 2014 Certified Trial Tr. and Exs. of Adriane Little.pdf(10354 bytes) 2014-10-15 LITTLE, Adriane Certified Trial Testimony Deposition Transcript.pdf(681284 bytes) 2014-10-15 LITTLE, Adriane Ex. 16.pdf(116352 bytes) 2014-10-15 LITTLE, Adriane Ex. 17.pdf(61175 bytes) 2014-10-15 LITTLE, Adriane Ex. 18.pdf(136382 bytes) 2014-10-15 LITTLE, Adriane Ex. 19.pdf(65824 bytes) 2014-10-15 LITTLE, Adriane Ex. 20.pdf(139089 bytes) 2014-10-15 LITTLE, Adriane Ex. 21.pdf(65539 bytes) 2014-10-15 LITTLE, Adriane Ex. 22.pdf(111828 bytes) 2014-10-15 LITTLE, Adriane Ex. 23.pdf(141163 bytes) 2014-10-15 LITTLE, Adriane Ex. 24.pdf(142333 bytes) 2014-10-15 LITTLE, Adriane Ex. 25.pdf(131028 bytes) 2014-10-15 LITTLE, Adriane Ex. 26.pdf(401755 bytes) 2014-10-15 LITTLE, Adriane Ex. 27.pdf(132998 bytes) 2014-10-15 LITTLE, Adriane Ex. 28.pdf(205620 bytes) 2014-10-15 LITTLE, Adriane Ex. 29 REDACTED.pdf(4847578 bytes) 2014-10-15 LITTLE, Adriane Ex. 30.pdf(193177 bytes) 2014-10-15 LITTLE, Adriane Ex. 31 REDACTED.pdf(97202 bytes) 2014-10-15 LITTLE, Adriane Ex. 32 REDACTED.pdf(330468 bytes) 2014-10-15 LITTLE, Adriane Ex. 33 REDACTED.pdf(202352 bytes) 2014-10-15 LITTLE, Adriane Ex. 34 REDACTED_.pdf(1658081 bytes) 2014-10-15 LITTLE, Adriane Ex. 35 REDACTED.pdf(961665 bytes) 2014-10-15 LITTLE, Adriane Ex. 36 REDACTED.pdf(348616 bytes) 2014-10-15 LITTLE, Adriane Ex. 37 REDACTED_.pdf(1298170 bytes) 2014-10-15 LITTLE, Adriane Ex. 38.pdf(493965 bytes) 2014-10-15 LITTLE, Adriane Ex. 39.pdf(615301 bytes) 2014-10-15 LITTLE, Adriane Ex. 40.pdf(122889 bytes) 2014-10-15 LITTLE, Adriane Ex. 41 REDACTED.pdf(52825 bytes) 2014-10-15 LITTLE, Adriane Ex. 42.pdf(101017 bytes) 2014-10-15 LITTLE, Adriane Ex. 43.pdf(140623 bytes) 2014-10-15 LITTLE, Adriane Ex. 44.pdf(116414 bytes) 2014-10-15 LITTLE, Adriane Ex. 45.pdf(287682 bytes) 2014-10-15 LITTLE, Adriane Ex. 46.pdf(528869 bytes)

	2014-10-15 LITTLE, Adriane Ex. 47.pdf(147636 bytes) 2014-10-15 LITTLE, Adriane Ex. 48.pdf(148738 bytes) 2014-10-15 LITTLE, Adriane Ex. 49.pdf(134451 bytes)
--	--

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

In the Matter of Application Serial No. 85/751,520: EARTH BALANCE
Published for Opposition March 19, 2013

BALANCE BAR COMPANY,

Opposer,

Opposition No. 91212477

v.

GFA BRANDS, INC.,

Applicant.

**APPLICANT'S NOTICE OF FILING OF CERTIFIED TRIAL TESTIMONY
DEPOSITION TRANSCRIPT AND EXHIBITS OF ADRIANE LITTLE**

Pursuant to 37 C.F.R. § 2.125(c) and Rule 703.01(k) of the Trademark Trial and Appeal Board Manual of Procedure ("TBMP"), Applicant GFA Brands, Inc. hereby files with the Board, and notifies Opposer of the filing of, the certified testimony deposition transcript and accompanying exhibits of Adriane Little, whose testimony deposition was taken on October 15, 2014.

Pursuant to 37 C.F.R. §§ 2.125(e), 2.126(c), TBMP 703.01(p), and the Stipulated Protective Order, approved by the Board on February 20, 2014, the following testimony deposition transcript pages and exhibits have been designated as "Highly Confidential" and are being filed with the Board under seal, under separate cover: Pages 30-31, 33-50, 57-62, 79-82, 86-87, and Exhibit Nos. 29, 31-37 and 41.

Dated this 23rd day of January, 2015.

/s/ Johanna M. Wilbert

David R. Cross

Marta S. Levine

Johanna M. Wilbert

Andrea J. Fowler

Quarles & Brady LLP

411 East Wisconsin Avenue

Suite 2040

Milwaukee, Wisconsin 53202-4497

Telephone: (414) 277-5495

Facsimile: (414) 978-8942

Email: DRC@quarles.com

Email: marta.levine@quarles.com

Email: johanna.wilbert@quarles.com

Email: andrea.fowler@quarles.com

Attorneys for Applicant GFA Brands, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on January 23, 2015, I served upon counsel of record the foregoing
by causing the same to be delivered by U.S. mail and email to:

R. Glenn Schroeder
Schroeder Law PC
110 Cooper Street #605
Babylon, New York 11702
gschroeder@schroederlawpc.com

Dated this 23rd day of January, 2015.

/s/ Johanna M. Wilbert

Johanna M. Wilbert
Quarles & Brady LLP
411 E. Wisconsin Avenue
Suite 2040
Milwaukee, WI 53202-4497
Phone: (414) 277-5000
Facsimile: (414) 978-8942
johanna.wilbert@quarles.com

BALANCE BAR COMPANY

VS.

GFA BRANDS

Deposition

ADRIANE E LITTLE

10/15/2014

Agren Blando Court Reporting & Video, Inc.

216 16th Street, Suite 600

Denver Colorado, 80202

303-296-0017

TESTIMONY OF ADRIANE E. LITTLE

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

Opposition No. 91212477

DEPOSITION OF ADRIANE E. LITTLE
October 15, 2014

BALANCE BAR COMPANY,

Opposer,

vs.

GFA BRANDS, INC.,

Applicant.

APPEARANCES:

SCHROEDER LAW, P.C.

By R. Glenn Schroeder, Esq.

110 Cooper Street

Suite 605

Babylon, New York 11702

631.649.6109

gschroeder@schroederlawpc.com

Appearing on behalf of Opposer

QUARLES & BRADY, LLP

By Johanna M. Wilbert, Esq.

411 East Wisconsin Avenue, Suite 2350

Milwaukee, Wisconsin 53202

414.277.5495

johanna.wilbert@quarles.com

Appearing on behalf of Applicant

TESTIMONY OF ADRIANE E. LITTLE

1 Pursuant to Notice and the PTO Rules of
2 Procedure, the deposition of ADRIANE E. LITTLE,
3 called by Applicant, was taken on Wednesday,
4 October 15, 2014, commencing at 9:00 a.m., at the
5 Boulder Marriott, 2660 Canyon Boulevard, Boulder,
6 Colorado, before Pamela J. Hansen, Registered
7 Professional Reporter and Notary Public within and
8 for the State of Colorado.

9

10 I N D E X

11 DEPOSITION OF ADRIANE E. LITTLE

12 EXAMINATION BY:	PAGE
13 Ms. Wilbert	6, 90
14 Mr. Schroeder	77

15

16 CONFIDENTIAL - ATTORNEYS EYES ONLY SECTIONS
17 UNDER SEPARATE COVER

18 PAGES 30 - 31
19 PAGES 33 - 50
20 PAGES 57 - 62
21 PAGES 79 - 82
22 PAGES 86 - 87

23

24

25

26

27

TESTIMONY OF ADRIANE E. LITTLE

1	EXHIBITS	INITIAL REFERENCE
2	Exhibit 16	Products Offered in connection with Earth Balance trademark 9
3		
4	Exhibit 17	Trademark Principal Register, Earth Balance, registered April 6, 1999 10
5		
6	Exhibit 18	Document titled Spread Deliciousness 11
7		
8	Exhibit 19	Trademark registration for Earth Balance peanut butter 12
9		
10	Exhibit 20	Picture of Smart Balance Natural Creamy Peanut Butter 13
11		
12	Exhibit 21	Trademark registration for Earth Balance soy milk 16
13		
14	Exhibit 22	Trademark registration for Earth Balance mayonnaise, soy mayonnaise 16
15		
16	Exhibit 23	Screen shot of product page of Earth Balance web page 17
17		
18	Exhibit 24	Picture of Earth Balance vegan aged white cheddar popcorn 19
19		
20	Exhibit 25	Picture of Earth Balance vegan aged white cheddar flavor puffs 20
21		
22	Exhibit 26	Screen shot of Made Just Right.com web site 21
23		
24	Exhibit 27	Picture of Earth Balance vegan cheddar flavor squares 24
25		
26	Exhibit 28	5/7/2014 e-mail to D. Primozych, S. Hughes and A. Little from H. Hughes, Subject: Kettle Chips are looking good in Atlanta, with attachment (Confidential - Attorneys Eyes Only) 25

TESTIMONY OF ADRIANE E. LITTLE

1	EXHIBITS	INITIAL REFERENCE
2	Exhibit 29	Presentation, Earth Balance Vegan Mac & Cheese, US Grocery & Mass, June 2014 26
3		
4	Exhibit 30	Outline of bar products offered by Udi's Gluten Free and Glutino brands 29
5		
6	Exhibit 31	Gross sales numbers for Earth Balance categories from 2011 to 2014 30
7		(Confidential - Attorneys Eyes Only)
8		
9	Exhibit 32	Gross sales numbers by customer from 2011 through 2014 33
10		(Confidential - Attorneys Eyes Only)
11		
12	Exhibit 33	Earth Balance + Plant Based Diet continues on Steep Growth Curve 36
13		(Highly Confidential - Attorneys Eyes Only)
14		
15	Exhibit 34	Presentation, Earth Balance Baseline Tracking Summary, December 2012, Final January 3, 2013 38
16		(Confidential - Attorneys Eyes Only)
17		
18	Exhibit 35	Historical FEB Total Awareness Trends (+W13) (Butter/Margarine/ Blends factored to % US Households) 42
19		(Confidential - Attorneys Eyes Only)
20		
21	Exhibit 36	Earth Balance Brand Health Measures - 3 Year (Butter Margarine/Blends factored to % US Households) 43
22		(Confidential - Attorneys Eyes Only)
23		
24		
25		

TESTIMONY OF ADRIANE E. LITTLE

1	EXHIBITS	INITIAL REFERENCE
2	Exhibit 37	Research Study, Earth Balance: 44
3		Customer Analysis, March 2014
4		(Confidential - Attorneys Eyes
5	Exhibit 38	Only) 51
6		Manufacturer's Coupons off
7	Exhibit 39	Earth Balance products 52
8		Manufacturer's Free Coupons for
9	Exhibit 40	Earth Balance products 55
10		\$1.00 off coupon on Earth
11	Exhibit 41	Balance Organic Coconut Flavour 57
12		Spread
13	Exhibit 42	EB Marketing \$ 63
14		(Confidential - Attorneys Eyes
15	Exhibit 43	Only) 63
16		Trade advertisement headed
17	Exhibit 44	"We Say No to GMOS" 64
18		Ad promoting Earth Balance
19	Exhibit 45	holiday bake-off in 2011 65
20		Screen shot of home page of
21	Exhibit 46	Made Just Right Web site 66
22		Screen shot of Gluten Free
23	Exhibit 47	Magical Seven-Layer Bar recipe 67
24		on Made Just Right.com
25	Exhibit 48	Screen shot of home page of 75
		Earth Balance Web site
	Exhibit 49	Picture of Simply Balanced 76
		whole grain popcorn lightly
		salted
	Exhibit 49	Picture of Simply Balanced 76
		nut & seed bars

TESTIMONY OF ADRIANE E. LITTLE

1 P R O C E E D I N G S

2 ADRIAN LITTLE,

3 having been first duly sworn, was examined and
4 testified as follows:

5 EXAMINATION

6 BY MS. WILBERT:

7 Q Please state your full name.

8 A Adrian Little.

9 Q Are you currently employed?

10 A Yes.

11 Q Where are you employed?

12 A Boulder Brands.

13 Q How long have you been employed by Boulder
14 Brands?

15 A I've been a full-time employee since 2012,
16 and I've been contractor -- I was a contractor 2010
17 through 2012.

18 Q What is your current title at Boulder
19 Brands?

20 A Category manager, Earth Balance.

21 Q Can you generally describe your
22 responsibilities.

23 A I'm responsible for all of the marketing
24 activities related to Earth Balance. So I manage new
25 product development. I work with all of our

TESTIMONY OF ADRIANE E. LITTLE

1 agencies, managing PR. All of our digital marketing,
2 social media marketing. I work on financial
3 planning, marketing planning. I manage our budget.
4 I manage our interns and assistant brand manager.
5 And yeah, really everything related to Earth Balance
6 marketing I handle.

7 Q Have your responsibilities changed since
8 you joined Boulder Brands?

9 A Yes. So when I came on as a contractor in
10 2010, I was solely responsible for PR in social
11 media. And as time went on, I gained more and more
12 responsibilities until I came into a marketing role
13 and was overseeing all of the marketing activities.

14 Q Is there a connection between Boulder
15 Brands and the applicant in this dispute, GFA Brands?

16 A GFA is the operating subsidiary of Boulder
17 Brands.

18 Q Going forward for today's deposition I'm
19 going to refer to GFA Brands and Boulder Brands
20 interchangeably. Is that fair?

21 A Yes.

22 Q Are you familiar with the history of the
23 Earth Balance brand?

24 A Yes.

25 Q Could you give us an overview of the

TESTIMONY OF ADRIANE E. LITTLE

1 history of the Earth Balance brand?

2 A Sure. So Earth Balance was started in the
3 late '90s. It was really created as a natural spread
4 line. It's a blend of oils that created a butter
5 alternative that is marketed in the natural channel.
6 That's why it was created, to appeal to natural
7 consumers and shoppers. Sold in Whole Foods and
8 natural retailers.

9 Q Do you know why the trademark Earth
10 Balance was chosen?

11 A Earth is related to natural. It's
12 really -- the purpose of it is to connote a natural
13 and organic product. It appeals to consumers who are
14 looking for simple ingredients and products that are
15 made with natural ingredients.

16 Q Are you familiar with the products that
17 GFA Brands sells in connection with the Earth Balance
18 trademark?

19 A Yes.

20 Q How did you come to be familiar with the
21 products that GFA Brands sells in connection with the
22 Earth Balance trademark?

23 A Working with the brand for almost five
24 years, I interact with all of our products almost
25 every day. Whether it's, you know, attending events

TESTIMONY OF ADRIANE E. LITTLE

1 and speaking with consumers or reading through our
2 consumer relations reports or interacting with our
3 agencies to promote the products or working with R&D
4 team to develop new products, I'm working with our
5 products every day.

6 Q Could you generally describe on a high
7 level what some of the products are that are sold in
8 connection with the Earth Balance trademark.

9 A We have our line of buttery spreads. We
10 also have buttery sticks and culinary spreads, peanut
11 butter, alternative mayo or Mindful Mayo, soy milk,
12 snacks, crackers, and mac & cheese.

13 (Exhibit 16 marked.)

14 Q (BY MS. WILBERT) I've just handed you
15 what's been marked as Applicant's Exhibit 16. What
16 is Exhibit 16?

17 A It's a list of all of our products and the
18 year they were launched.

19 Q Can you take a moment to review Exhibit 16
20 and tell me if it's accurate.

21 A It is accurate except for the first line.
22 "Original buttery spread" was really launched in
23 1998, not 2002, but it's already been crossed out and
24 corrected on this document.

25 Q Are you familiar with the various

TESTIMONY OF ADRIANE E. LITTLE

1 trademark registrations that GFA Brands has for goods
2 sold in connection with the Earth Balance mark?

3 A Yes.

4 (Exhibit 17 marked.)

5 Q (BY MS. WILBERT) The court reporter has
6 just handed you what's been marked as Exhibit 17.

7 What is Exhibit 17?

8 A This is a trademark register.

9 Q What is this a trademark registration for?

10 A Earth Balance.

11 Q And what products is this trademark
12 registration for?

13 A Butter substitutes, cheese, low fat and
14 nonfat cheese substitutes, margarine, low fat and
15 nonfat margarine substitutes, shortening, low fat and
16 nonfat shortening, snack food dips and vegetable oil.

17 Q When was the Earth Balance trademark first
18 used on butter substitutes?

19 A 1998.

20 Q And earlier I think you referred to them
21 as buttery spreads. Is that the same product?

22 A Yes.

23 Q Does GFA use the Earth Balance trademark
24 on butter substitutes today?

25 A Yes.

TESTIMONY OF ADRIANE E. LITTLE

1 Q And has GFA used the Earth Balance
2 trademark on butter substitutes continuously from
3 1998 through today?

4 A Yes.

5 Q Are you familiar with the packaging that
6 GFA uses in connection with the butter substitute
7 products bearing the Earth Balance trademark?

8 A Yes.

9 (Exhibit 18 marked.)

10 Q (BY MS. WILBERT) The court reporter has
11 just handed you what's been marked as Exhibit 18.
12 Can you please confirm that Exhibit 18 bears the
13 Production No. GFA EB 000721?

14 A Yes.

15 Q What is Exhibit 18?

16 A This is a banner ad that we created for
17 digital marketing purposes.

18 Q Does Exhibit 18 accurately reflect how GFA
19 Brands has used the Earth Balance trademark in
20 connection with butter substitutes?

21 A Yes.

22 Q Exhibit 18 depicts a number of different
23 products. Could you walk through the background for
24 these different products. For example, when was the
25 Earth Balance Omega 3 spread introduced to the

TESTIMONY OF ADRIANE E. LITTLE

1 market?

2 A The Omega 3 spread, which is prominently
3 featured here, was launched in 2013. This also
4 includes a number of our other buttery spreads
5 ranging from original, which was the first product we
6 launched in 1998, soy gardens, soy-free, olive oil,
7 and two of our stick products: Our vegan buttery
8 sticks and soy-free buttery sticks.

9 Q Does GFA Brands offer any butter spreads
10 on products that are not pictured in Exhibit 18?

11 A Yes. We have a couple additional items
12 that are not featured in this ad.

13 Q What are those additional items?

14 A We have a 45-ounce original buttery
15 spread. We have three culinary spread items, and we
16 have shortening sticks.

17 (Exhibit 19 marked.)

18 Q (BY MS. WILBERT) The court reporter has
19 just handed you what's been marked as Exhibit 19.
20 What is Exhibit 19?

21 A This is a trademark registration for
22 peanut butter.

23 Q And when was the Earth Balance trademark
24 first used in connection with peanut butter?

25 A 2008.

TESTIMONY OF ADRIANE E. LITTLE

1 Q Does GFA use the Earth Balance trademark
2 in connection with the sale of peanut butter today?

3 A Yes.

4 Q Has GFA used the Earth Balance trademark
5 in connection with the sale of peanut butter
6 continuously from 2008 through today?

7 A Yes.

8 Q Are you familiar with the packaging that
9 GFA uses in connection with peanut butter products
10 bearing the Earth Balance trademark?

11 A Yes.

12 (Exhibit 20 marked.)

13 Q (BY MS. WILBERT) The court reporter has
14 just handed you what's been marked as Applicant's
15 Exhibit 20. Could you please confirm that
16 Applicant's Exhibit 20 bears the production number
17 GFA EB 002321?

18 A Yes.

19 Q What is Applicant's Exhibit 20?

20 A This is a picture of Smart Balance natural
21 peanut butter.

22 Q And I'm so sorry because this was intended
23 to be an Earth Balance peanut butter picture, so we
24 will circle back to this later in the deposition.

25 A Okay.

TESTIMONY OF ADRIANE E. LITTLE

1 Q We'll set that aside. I'm sorry -- after
2 we find the picture.

3 In addition to jars, does -- does GFA
4 Brands sell peanut butter in connection with the
5 Earth Balance trademark in any other formats?

6 A Yes. We have squeeze packs.

7 Q What is a squeeze pack?

8 A It's a 1-ounce packet of peanut butter
9 that is used as an individual serving. It's sold in
10 a 10-pack caddy, so consumers can buy the squeeze
11 packs individually, or they can buy a 10-pack caddy.
12 And it's really peanut butter for on the go. So it's
13 a snack you can take anywhere with you.

14 Q Was that -- what was the purpose for
15 designing that product?

16 A It's really to make eating peanut butter
17 more convenient. Not everyone wants to carry around
18 a jar of peanut butter with them, but it's a nice
19 thing to have when you're driving or on the go.

20 Q Does GFA Brands consider the Earth Balance
21 peanut butter squeeze packs to be a snack item?

22 A Yes.

23 Q When were the Earth Balance nut butter
24 squeeze packs introduced to the market?

25 A 2013.

TESTIMONY OF ADRIANE E. LITTLE

1 Q Are they still being sold today?

2 A Yes.

3 Q Generally, how have the Earth Balance
4 peanut butter products, both the jars and the squeeze
5 packs, been received by the market?

6 A Very well. We have both regular peanut
7 butter and coconut peanut butter. Our coconut peanut
8 butter was one of Oprah's favorite things in 2012.
9 It's really a unique item, people love it, and it's
10 being well-received in the natural channel, as well
11 as the conventional channel.

12 Q When you refer to "the natural channel,"
13 what does that mean?

14 A It's a channel of natural food stores. So
15 that would include your Whole Foods, Sprouts, Earth
16 Fare, PCC. Any stores that are associated with
17 selling natural and organic products.

18 Q And when you refer to "conventional," what
19 are you referring to?

20 A The conventional stores are your Kroger's,
21 Safeway, King Soopers, Albertson's. It's the larger
22 grocery chains that may carry some natural products,
23 but they carry a wide breadth of conventional items,
24 as well.

25 (Exhibit 21 marked.)

TESTIMONY OF ADRIANE E. LITTLE

1 Q (BY MS. WILBERT) The court reporter has
2 just handed you what's been marked as Applicant's
3 Exhibit 21. What is Applicant's Exhibit 21?

4 A This is a trademark registration for Earth
5 Balance soy milk.

6 Q When was the Earth Balance trademark first
7 used in connection with soy milk?

8 A 2010.

9 Q Does GFA Brands use the Earth Balance
10 trademark in connection with the sale of soy milk in
11 stores today?

12 A Yes.

13 Q Has GFA used the Earth Balance trademark
14 in connection with the sale of soy milk continuously
15 from 2010 through today?

16 A Yes.

17 (Exhibit 22 marked.)

18 Q (BY MS. WILBERT) The court reporter has
19 just handed you what's been marked as Applicant's
20 Exhibit 22. What is Applicant's Exhibit 22?

21 A This is a trademark registration for Earth
22 Balance mayonnaise.

23 Q When did GFA Brands first begin selling
24 mayonnaise in connection with the Earth Balance
25 trademark?

TESTIMONY OF ADRIANE E. LITTLE

1 A 2011.

2 Q Does GFA Brands sell mayonnaise in
3 connection with the Earth Balance trademark today?

4 A Yes.

5 Q Has GFA Brands sold mayonnaise in
6 connection with the Earth Balance trademark
7 continuously from 2011 through today?

8 A Yes.

9 (Exhibit 23 marked.)

10 Q (BY MS. WILBERT) The court reporter has
11 just handed you what's been marked as Applicant's
12 Exhibit 23. Could you please confirm that
13 Applicant's Exhibit 23 bears the production number
14 GFA_EB 36?

15 A Yes.

16 Q Do you recognize Applicant's Exhibit 23?

17 A Yes.

18 Q What is it?

19 A This is a screen shot of the product page
20 on our Web site.

21 Q In the second row there's a category
22 called "Culinary Spreads." What are culinary
23 spreads?

24 A Culinary spreads are more unique spread
25 items that can be used like our buttery spread, but

TESTIMONY OF ADRIANE E. LITTLE

1 they have flavors: Sweet cinnamon, garlic and herb.
2 We also have a coconut spread, which is made with
3 coconut oil and has a coconut flavor.

4 Q How would a customer typically use the
5 culinary spread?

6 A They can use them any way they would use
7 the buttery spread and spreading on toast or muffins
8 or any of their favorite foods, or they can cook with
9 them.

10 Q How long has GFA Brands been selling
11 culinary spreads in connection with the Earth Balance
12 trademark?

13 A The coconut spread was launched in 2011,
14 and the culinary spreads were launched in -- or the
15 sweet cinnamon, garlic and herb were launched in
16 2012.

17 Q Since their launch have the culinary
18 spread products been sold continuously through today
19 in connection with the Earth Balance trademark?

20 A Yes.

21 Q On Exhibit 23 there's a product category
22 titled "Snacks." Does GFA use the Earth Balance
23 trademark in connection with the sale of snack foods?

24 A Yes.

25 Q What are snack foods that GFA Brands sells

TESTIMONY OF ADRIANE E. LITTLE

1 in connection with the Earth Balance trademark?

2 A We have a line of salty snacks that
3 include popcorns, puffs, PB pops, which is a peanut
4 butter popcorn. Also kettle chips. And we also have
5 some cheddar square crackers that we launched this
6 year.

7 Q When did GFA Brands first begin selling
8 popcorn in connection with the Earth Balance
9 trademark?

10 A 2013.

11 Q Is GFA Brands still selling popcorn in
12 connection with the Earth Balance trademark today?

13 A Yes.

14 (Exhibit 24 marked.)

15 Q (BY MS. WILBERT) The court reporter has
16 just handed you what's been marked as Applicant's
17 Exhibit 24. Could you please confirm that
18 Applicant's Exhibit 24 bears the production number
19 GFA EB 2354?

20 A Yes.

21 Q What is Applicant's Exhibit 24?

22 A This is a picture of the Earth Balance
23 vegan aged white cheddar popcorn.

24 Q Does Exhibit 24 accurately reflect how GFA
25 Brands has used the Earth Balance trademark in

TESTIMONY OF ADRIANE E. LITTLE

1 connection with popcorn?

2 A Yes.

3 Q How has the popcorn product been received
4 by the market?

5 A It's done very well since launch. This is
6 one of our best SKUs. People have really embraced it
7 because it's a nondairy white cheddar popcorn. And
8 it's -- it tastes really good.

9 Q What stores is the Earth Balance popcorn
10 sold in?

11 A It's primarily in the natural channel,
12 which, again, is your Whole Foods and natural food
13 stores. It's also available in some conventional
14 stores in limited distribution.

15 Q What are some of the conventional stores
16 where the Earth Balance popcorn is sold?

17 A Kroger, Wakefern, and a couple others.

18 (Exhibit 25 marked.)

19 Q (BY MS. WILBERT) The court reporter has
20 just handed you what's been marked as Exhibit 25.
21 Would you please confirm that Applicant's Exhibit 25
22 bears the Production No. GFA EB 2360?

23 A Yes.

24 Q What is Applicant's Exhibit 25?

25 A It's a picture of our vegan aged white

TESTIMONY OF ADRIANE E. LITTLE

1 cheddar puffs.

2 Q What are Earth Balance puffs?

3 A They are puff snacks with a vegan aged
4 white cheddar flavor. So it would essentially be a
5 vegan version of traditional white cheddar puffs.

6 Q How long has GFA Brands been selling puffs
7 in connection with the Earth Balance trademark?

8 A Since 2013.

9 Q Is GFA Brands selling Earth Balance puffs
10 today?

11 A Yes.

12 (Exhibit 26 marked.)

13 Q (BY MS. WILBERT) The court reporter has
14 just handed you what's been marked as Applicant's
15 Exhibit 26. What is Exhibit 26?

16 A It is a screen shot of our Made Just
17 Right.com Web site.

18 Q What is the Made Just Right.com Web site?

19 A It's an online social community that we
20 created back in 2010 to provide plant-based living
21 information. So lifestyle tips, recipes, product
22 info. It's really a way to educate consumers about
23 following a plant-based diet and a way to market
24 Earth Balance products.

25 Q At the bottom of the page there is a title

TESTIMONY OF ADRIANE E. LITTLE

1 under the heading "Meet the Earth Balance" -- there
2 is a picture under the heading "Meet the Earth
3 Balance Family."

4 What is the picture of?

5 A It is a picture of all of our products.

6 Q It appears that this is a post. Can you
7 describe how this Web site works?

8 A Yeah. So we post regularly, almost daily,
9 different content focused on products; focused on
10 contests or giveaways we may be running; lifestyle
11 tips; blogger reviews. Anything that is related to
12 either Earth Balance or the plant-based diet that is
13 interesting in a way that our consumers can engage
14 with us.

15 This particular post is product-focused
16 showcasing all of the products Earth Balance makes,
17 encouraging consumers to get familiar with all of the
18 products we make.

19 Q It looks like the page continues to the
20 second page of Exhibit 26. What is the information
21 on the second page conveying?

22 A This is a listing of all of the product
23 categories and individual products within those
24 categories and giving examples of how they can be
25 used.

TESTIMONY OF ADRIANE E. LITTLE

1 Q Does this posting accurately list products
2 that are in fact sold in connection with the Earth
3 Balance trademark?

4 A Yes.

5 Q In the picture on the first page I see an
6 Earth Balance bag with a label P.B. Poppo. What are
7 P.B. Poppo?

8 A P.B. Poppo are a sweet and salty snack.
9 It's basically popcorn covered in peanut butter and
10 oats, and it's more of a decadent popcorn snack.

11 Q When did GFA first begin selling P.B.
12 Poppo in connection with the Earth Balance trademark?

13 A 2013.

14 Q Is GFA still selling P.B. Poppo in
15 connection with the Earth Balance trademark?

16 A Yes.

17 Q Do you consider P.B. Poppo to be a snack
18 food?

19 A Yes.

20 Q Does GFA Brands sell other snack foods
21 that we haven't yet discussed?

22 A We have vegan cheddar squares, which is a
23 snack that we launched this year. It's basically a
24 vegan version of traditional cheddar square snacks,
25 and they're doing really well so far.

TESTIMONY OF ADRIANE E. LITTLE

1 (Exhibit 27 marked.)

2 Q (BY MS. WILBERT) The court reporter has
3 just handed you what's been marked as Exhibit 27.
4 Could you please confirm that Exhibit 27 bears the
5 Production No. GFA_EB 2361?

6 A Yes.

7 Q What is Applicant's Exhibit 27?

8 A This is a picture of Earth Balance vegan
9 cheddar squares.

10 Q Are these the cheddar squares you were
11 just referring to?

12 A Yes.

13 Q Does Exhibit 27 accurately show how the
14 Earth Balance trademark is used in connection with
15 cheddar squares?

16 A Yes.

17 Q I believe you mentioned that the cheddar
18 squares were doing well. Was that correct?

19 A Yes.

20 Q What did you mean by that?

21 A They have exceeded our expectations out of
22 the gate. They launched in the natural channel
23 exclusively with Whole Foods, and we're selling much
24 more product than we originally anticipated. People
25 are really excited to see a vegan and dairy-free

TESTIMONY OF ADRIANE E. LITTLE

1 version of this kind of snack.

2 Q Does GFA Brands have plans to expand the
3 stores in which cheddar squares are offered?

4 A Yes. Once we fully realize our
5 distribution in the natural channel, we'll look to
6 expand into conventional.

7 (Exhibit 28 marked.)

8 Q (BY MS. WILBERT) The court reporter has
9 just handed to you what's been marked as Applicant's
10 Exhibit 28. Could you please confirm that
11 Applicant's Exhibit 28 bears the Production Nos.
12 GFA_EB 2370 through 2371?

13 A Yes.

14 Q What is Exhibit 28?

15 A This is a photograph of Earth Balance
16 kettle chips on the shelf at Whole Foods.

17 Q It also appears the first page is an
18 e-mail; is that correct?

19 A Yes.

20 Q What is the purpose of this e-mail?

21 A One of our marketing team members was
22 visiting a store in Atlanta, saw our kettle chips on
23 the shelf, took a picture and sent it to us.

24 Q And what's the date of Exhibit 28?

25 A May 7th, 2014.

TESTIMONY OF ADRIANE E. LITTLE

1 Q So does the picture attached to Exhibit 28
2 show how the kettle chips were in the store in
3 Atlanta as of May 7th, 2014?

4 A Yes.

5 Q And are kettle chips a snack product
6 offered in connection with the Earth Balance
7 trademark?

8 A Yes.

9 (Exhibit 29 marked.)

10 Q (BY MS. WILBERT) The court reporter has
11 just handed to you what's been marked as Exhibit 29.
12 Could you please confirm that Exhibit 29 bears
13 Production Nos. GFA_EB 2458 --

14 A Yes.

15 Q -- through GFA_EB 2470?

16 A Yes.

17 Q What is Applicant's Exhibit 29?

18 A This is a sales presentation put together
19 by our commercial development team in conjunction
20 with marketing to promote our new vegan Mac & Cheese.

21 Q What is the vegan Mac & Cheese?

22 A It's essentially a vegan version of
23 traditional Mac & Cheese that you'll find in a box in
24 the store you may get at home. It has the pasta, the
25 dry seasoning mix. You add alternative butter or

TESTIMONY OF ADRIANE E. LITTLE

1 Earth Balance buttery spread, alternative milk, and
2 you then have a vegan version of the traditional Mac
3 & Cheese that everyone grew up with and loves.

4 Q Can you turn to Pages 12 and 13 of Exhibit
5 29. Do Pages 12 and 13 accurately show how the Earth
6 Balance trademark is used in connection with the sale
7 of Mac & Cheese?

8 A Yes.

9 Q Did you have any personal involvement in
10 the preparation of Exhibit 29?

11 A Yes. I worked with our commercial
12 development team to put this together.

13 Q Can you walk us through some of the
14 beginning pages of this presentation and give a
15 little background as to why they're included?

16 A Sure. So we always begin our sales
17 presentations from a high level speaking about
18 Boulder Brands as a whole, our mission, our vision,
19 what brands are included.

20 And then we'll narrow in on the Earth
21 Balance brand, and we'll begin speaking about Earth
22 Balance by highlighting plant-based eating trends.
23 Because Earth Balance is a vegan brand, we want to
24 showcase how much the plant-based diet is catching on
25 and growing, so we'll share some stats about that.

TESTIMONY OF ADRIANE E. LITTLE

1 This third page shows some media headlines
2 and the growth in veganism in the media.

3 We also have some sales figures showing
4 growth of non-GMO products in the marketplace, as
5 well as vegan growth trends.

6 We showcase some of the fastest growing
7 health and wellness claims and talk about how Earth
8 Balance products relate to those claims.

9 And then we'll get into product-specific
10 side. So we'll zero in on the Mac & Cheese, starting
11 with the marketplace and how Mac & Cheese is growing
12 within the marketplace, specifically natural and
13 organic Mac & Cheese because that's where we fall.
14 And then we'll get into specific characteristics and
15 attributes of our Mac & Cheese items and how they
16 compare to the competition.

17 Q Does GFA have any intention to expand the
18 products offered in connection with the Earth Balance
19 trademark?

20 A Yes.

21 Q Does GFA Brands intend to offer snack bars
22 in connection with the Earth Balance trademark?

23 A Yes.

24 Q Today does GFA sell any bar products under
25 any of its trademarks?

TESTIMONY OF ADRIANE E. LITTLE

1 A Yes.

2 (Exhibit 30 marked.)

3 Q (BY MS. WILBERT) The court reporter has
4 handed you what's been marked as Applicant's Exhibit
5 30. Could you please confirm that Applicant's
6 Exhibit 30 bears the Production No. GFA_EB 665
7 through 666?

8 A Yes.

9 Q What is Applicant's Exhibit 30?

10 A It's an outline of the bar products
11 offered by our Udi's Gluten Free and Glutino brands.

12 Q In your position as brand manager of the
13 Earth Balance brand, are you generally familiar with
14 the sales figures for the products bearing the Earth
15 Balance trademark?

16 A Yes.

17 MS. WILBERT: At this time I'd like to
18 mark the transcript confidential - attorneys eyes
19 only.

20 (A Confidential - Attorneys Eyes Only
21 portion follows under separate cover.)

22

23

24

25

TESTIMONY OF ADRIANE E. LITTLE

1 Q (BY MS. WILBERT) Are you familiar with
2 the stores at which products bearing the Earth
3 Balance trademarks are sold?

4 A Yes.

5 Q Can you generally describe for me the
6 types of stores in which products bearing the Earth
7 Balance trademark are sold?

8 A Earth Balance products are available
9 across different channels, natural channel, which I
10 mentioned, also conventional and what we would call
11 mass.

12 Q What does mass mean?

13 A It's referring to Wal-Mart primarily.

14 MS. WILBERT: Back into attorneys eyes
15 only for designation.

16 (A Confidential - Attorneys Eyes Only
17 portion follows under separate cover.)

18

19

20

21

22

23

24

25

TESTIMONY OF ADRIANE E. LITTLE

1 (BY MS. WILBERT) In its advertising, does
2 GFA Brands use the single term "Balance" without the
3 term "Earth" to convey the source of a product in
4 connection with the Earth Balance products?

5 A No. Earth Balance products are always
6 labeled as Earth Balance.

7 Q Does GFA Brands ever use the term
8 "Balance" standing alone as a trademark?

9 A No.

10 Q What methods does GFA use to -- never
11 mind.

12 Are you familiar with the coupons that GFA
13 Brands offers in connection with the Earth Balance
14 trademark?

15 A Yes.

16 (Exhibit 38 marked.)

17 Q (BY MS. WILBERT) The court reporter has
18 handed you what's been marked as Exhibit 38. Could
19 you please confirm that Exhibit 38 bears the
20 Production Nos. GFA_EB 661 through 664?

21 A Yes.

22 Q What is Exhibit 38?

23 A This is a picture of Earth Balance
24 dollar-off coupons for different product categories.

25 Q Who prepared Exhibit 38?

TESTIMONY OF ADRIANE E. LITTLE

1 A We create these coupons in-house.

2 Q You said this was for different product
3 categories. Could you summarize what products the
4 coupons in Exhibit 38 are covering.

5 A The first page covers our culinary
6 spreads. The second page is a coupon good for any
7 Earth Balance product. And then we have a coupon for
8 our soy milk and then our coconut and peanut spread.

9 Q What are coupons such as those shown in
10 Exhibit 38 used for?

11 A We print these to use at events and
12 in-store demos that I mentioned. It's really a way
13 to incentivize people to try a new item. We may also
14 send these coupons to different vegan groups or as a
15 way to encourage people to try our products.

16 Q So these are coupons that GFA distributes
17 to consumers itself?

18 A Yes.

19 (Exhibit 39 marked.)

20 Q (BY MS. WILBERT) The court reporter has
21 just handed you what's been marked as Exhibit 39.
22 Could you please confirm that Exhibit 39 bears the
23 Production No. GFA_EB 652 through 658?

24 A Yes.

25 Q What is Exhibit 39?

TESTIMONY OF ADRIANE E. LITTLE

1 A It is pictures of our free Earth Balance
2 coupons.

3 Q Who prepares Exhibit -- who prepared
4 Exhibit 39?

5 A We prepare these in-house, as well.

6 Q What are the coupons shown in Exhibit 39
7 used for?

8 A The free coupons are used for higher value
9 interaction. So bloggers who would write a product
10 review of Earth Balance products. We would also give
11 them to some of our customers so they could try out
12 products for themselves.

13 We may pass them out at events to media or
14 consumers that are really highly engaged with our
15 brand, are really excited about new items. It's a
16 way to allow them to try it.

17 Some of these other coupons are
18 dollar-off, which would be used in the same way I
19 mentioned before. And some of these are Canadian
20 focus, which are used in the same way I mentioned
21 before, just in Canada.

22 Q With respect to the free coupons, when you
23 referenced bloggers, can you expand upon the
24 interaction that Earth Balance has with bloggers.

25 A We have a great relationship with a lot of

TESTIMONY OF ADRIANE E. LITTLE

1 bloggers. We work with them regularly for Made Just
2 Right. Also, we reach out to bloggers whenever we
3 have a new product that is launching, and we're
4 always looking to build relationships with them, have
5 them write product reviews, participate in content
6 we're posting on Made Just Right; giveaways, and
7 things of that sort.

8 It's a really great group of people who
9 are passionate about our brand and who will advocate
10 for our brand on our behalf if we have that
11 relationship with them.

12 Q Can you describe in a little more detail,
13 what does GFA Brands do to encourage bloggers to
14 write a product review, for example?

15 A So we may send them a press release
16 announcing a new product being launched, and if
17 they're -- they express interest, we'll mail them the
18 product, some free coupons, maybe a T-shirt or some
19 other swag. And then if they post a review, we'll
20 post it on our social media channels to help promote
21 them, as well.

22 So it's really a symbiotic relationship.
23 We're supporting them, and in turn they support us.

24 Q You also mentioned media. What were you
25 referring to when you were mentioning media?

TESTIMONY OF ADRIANE E. LITTLE

1 A Magazine editors mostly, or TV reporters,
2 or anyone affiliated with the media that has the
3 opportunity to promote Earth Balance products in a
4 big way through media.

5 Q And what does GFA Brands do to promote the
6 Earth Balance brand through media?

7 A We'll engage with them with our PR teams.
8 Again, sending out press release, doing product
9 mailings, letting them know about new things we have
10 going on or cost initiatives we're supporting.

11 Really, you know, talking about how we are
12 unique and different from our competitors, and
13 hopefully they will write a story about us.

14 (Exhibit 40 marked.)

15 Q (BY MS. WILBERT) The court reporter has
16 just handed to you what's been marked as Exhibit 40.
17 Could you please confirm that Exhibit 40 bears the
18 Production No. GFA_EB 646?

19 A Yes.

20 Q What is Exhibit 40?

21 A This is a picture of a Canadian Whole Deal
22 coupon. Whole Deal is Whole Foods coupon circular,
23 essentially. We have participated in the U.S.
24 version as well as Canada.

25 This is a -- one coupon in particular for

TESTIMONY OF ADRIANE E. LITTLE

1 Canada that is focusing on our organic coconut
2 spread.

3 Q Can you describe the U.S. participation
4 that you mentioned.

5 A So we participated for three or four years
6 with Whole Deal in the U.S. in a similar way where we
7 would pay for insertions in the circular and feature
8 dollar-off coupons on specific products.

9 MS. WILBERT: Could we go back to
10 confidential attorneys eyes only, please.

11 (A Confidential - Attorneys Eyes Only
12 portion follows under separate cover.)

13

14

15

16

17

18

19

20

21

22

23

24

25

TESTIMONY OF ADRIANE E. LITTLE

1 (Exhibit 42 marked.)

2 Q (BY MS. WILBERT) The court reporter has
3 just handed to you what's been marked as Applicant's
4 Exhibit 42. Could you please confirm that it bears
5 the Production No. GFA_EB 23?

6 A Yes.

7 Q What is Exhibit 42?

8 A This is a display ad that we created to
9 promote our coconut spread.

10 Q What is a display ad?

11 A It's a digital ad, so it would appear on
12 the side of a Web site that you're browsing, and it
13 would be targeted to people who either purchase Earth
14 Balance or who are interested in health and wellness.

15 Q Does GFA Brands take out other digital ads
16 promoting other products in connection with the Earth
17 Balance trademark?

18 A Yes.

19 Q For approximately how long has GFA Brands
20 been taking out digital ads to promote Earth Balance
21 products?

22 A I would say the last two to three years,
23 but the most we've ever done has been this year.

24 (Exhibit 43 marked.)

25 Q (BY MS. WILBERT) The court reporter has

TESTIMONY OF ADRIANE E. LITTLE

1 just handed to you what has been marked as Exhibit
2 No. 43. Could you please confirm that it bears the
3 Production No. GFA_EB 2474?

4 A Yes.

5 Q What is Exhibit 43?

6 A This is a trade advertisement. This would
7 have been in print probably in Natural Foods
8 Merchandiser.

9 Q What is Natural Foods Merchandiser?

10 A It is a trade publication in the natural
11 foods industry sent to retailers and buyers.

12 Q Earlier we had a problem with my exhibit
13 of the peanut butter label. This product is showing
14 a coconut and peanut butter spread.

15 Is that image an accurate reflection of
16 how the Earth Balance trademark is used in connection
17 with peanut butter spreads?

18 A Yes.

19 Q Approximately how long has GFA Brands been
20 promoting Earth Balance by taking out ads in
21 trade-facing publications?

22 A For the last five years, that I know of.

23 (Exhibit 44 marked.)

24 Q (BY MS. WILBERT) The court reporter has
25 just handed you what's been marked as Exhibit 44.

TESTIMONY OF ADRIANE E. LITTLE

1 Could you please confirm that Exhibit 44 bears the
2 Production No. GFA_EB 17?

3 A Yes.

4 Q What is Exhibit 44?

5 A This is an ad promoting the Earth Balance
6 holiday bake-off in 2011. This one, I believe,
7 appeared in Veg News Magazine, and it's really just
8 encouraging consumers to participate in our holiday
9 bake-off for the chance to win a Whole Foods market
10 gift card.

11 Q What is Made Just Right.com? It appears
12 at the bottom of this ad in the right corner.

13 A It's the online social community I
14 mentioned earlier that's all about plant-based
15 living.

16 Q Specifically how does GFA promote the
17 Earth Balance products through Made Just Right?

18 A Through recipes. We only use recipes that
19 include an Earth Balance product. We also have
20 product features, so we'll create specific posts
21 talking about new item launches or innovative ways to
22 use our existing items. And that content will then
23 be posted through our social media channels.

24 (Exhibit 45 marked.)

25 Q (BY MS. WILBERT) The court reporter has

TESTIMONY OF ADRIANE E. LITTLE

1 just handed you what's been marked as Exhibit 45.

2 What is Exhibit 45?

3 A This is a screen shot of the home page of
4 the Made Just Right Web site.

5 Q And it appears to be referencing recipes.
6 Are these the types of recipes you were referring to?

7 A Yes.

8 Q And has GFA Brands ever promoted the Earth
9 Balance products in connection with any bar products?

10 A There are certainly bar recipes on Made
11 Just Right that use Earth Balance as an ingredient.

12 Q Can you think of any examples.

13 A My favorite, magic bars.

14 (Exhibit 46 marked.)

15 Q (BY MS. WILBERT) The court reporter has
16 just handed you what's been marked as Exhibit 46.

17 What is Exhibit 46?

18 A It is a screen shot of the gluten-free
19 magical seven-layer bar recipe on Made Just
20 Right.com.

21 Q Are these the magic bars you were
22 referring to?

23 A Yes.

24 Q How are these magic bars connected to the
25 Earth Balance products?

TESTIMONY OF ADRIANE E. LITTLE

1 A They were submitted by Gluten-Free Gigi,
2 which is a blogger and Gluten-Free Baker, and she
3 submitted this recipe. It uses Earth Balance buttery
4 spread in the recipe.

5 (Exhibit 47 marked.)

6 Q (BY MS. WILBERT) The court reporter has
7 just handed to you what's been marked as Exhibit 47.
8 Could you please confirm that Exhibit 47 bears the
9 Production No. GFA_EB 32?

10 A Yes.

11 Q What is Exhibit 47?

12 A It is a screen shot of the homepage of the
13 Earth Balance Web site.

14 Q It appears that the Earth Balance Web site
15 also has a link to recipes.

16 A Yes.

17 Q Is the recipe link on the Earth Balance
18 Web site different than the recipe we just looked at
19 at the Made Just Right for you.com?

20 A It is. The recipes on Earth Balance
21 Natural.Com we own. We have worked with recipe
22 developers to create them. The -- most of the
23 recipes on Made Just Right are user-generated, so
24 consumers will upload them at their own will.

25 Q Are you familiar with the social media

TESTIMONY OF ADRIANE E. LITTLE

1 avenues that GFA Brands uses to promote the Earth
2 Balance trademark?

3 A Yes.

4 Q How did you become familiar with the
5 social media avenues that GFA uses?

6 A When I came on in 2010, I started our
7 Facebook page, and I managed all of the social media
8 myself. So I was engaging with consumers daily
9 posting content, managing the sites.

10 And now we have an agency that manages it
11 for us, but I work with them regularly, interact with
12 them almost daily, and they keep me up to date on
13 everything that's going on.

14 Q I'd like you to walk us through the
15 various social media outlets that you're using. You
16 mentioned Facebook. Can you describe the presence
17 that GFA has on Facebook with respect to the Earth
18 Balance brand and how GFA uses Facebook to promote
19 Earth Balance?

20 A So we have almost 130,000 followers on
21 Facebook. We post daily. We post contests,
22 giveaways, recipes. We'll link content back to Made
23 Just Right so that people can click through and get
24 more information if they want.

25 It's really one of the top social media

TESTIMONY OF ADRIANE E. LITTLE

1 platforms for us.

2 We also advertise on Facebook, and we have
3 amplified posts or sponsored posts, which is a way
4 that we can ensure that most of our followers are
5 seeing our posts. Because with Facebook, if you
6 don't put money behind it, not a lot of people are
7 actually going to see what you're putting out there.

8 Q What does the money behind it do? What
9 are you doing with that?

10 A So it's showing your post to more of
11 your -- of your followers, essentially. So if you
12 don't sponsor a post, then it's only going to a small
13 amount of people.

14 So you have to sponsor it or put some
15 money behind it to ensure that when someone likes you
16 on Facebook and they're going through their news
17 feed, they're going to see what you are posting.

18 Q So essentially the money spent on Facebook
19 ensures that the news feed of your likes will be
20 seeing your posting for the day?

21 A Yes.

22 Q What presence does GFA Brands have on
23 Twitter with respect to the Earth Balance market?

24 A We have been on Twitter also since 2010,
25 and it's more of a news engagement site. We do post

TESTIMONY OF ADRIANE E. LITTLE

1 images from time to time, but it's mostly teasing
2 contests or posting announcements or newsworthy items
3 and then linking it back to Made Just Right. So we
4 have about 30,000 likes -- or followers.

5 Q Other than Facebook and Twitter, what
6 other social media outlets does GFA Brands use to
7 promote the Earth Balance trademark?

8 A We're also on Instagram, as well as
9 Pinterest, which are both very photo friendly
10 platforms. Instagram is pretty much all photos.
11 And -- which is great for Earth Balance. And since
12 our products lend themselves to cooking and culinary
13 creations, people also take pictures of themselves
14 eating the products with a spoonful of peanut butter
15 or a bag of kettle chips next to their sandwich or
16 feeding themselves cheddar squares from the box.
17 It's pretty entertaining to look at what people are
18 posting.

19 And then Pinterest is very recipe driven.
20 People are going to Pinterest to look for specific
21 vegan recipes, be it desserts or appetizers. And so
22 we'll create content that fulfills those types of
23 searches and then links back to Made Just Right,
24 where the recipes live.

25 Q In your role as brand manager, have you

TESTIMONY OF ADRIANE E. LITTLE

1 had any opportunity to interact with end users?

2 A Yes, all of the time.

3 Q Can you give us some examples.

4 A As I mentioned, I used to manage the
5 social media platforms. So through those avenues, I
6 had interaction. When I attend events, I speak with
7 people when I'm there. We also get monthly reports
8 from our consumer relations team, so I'm able to see
9 positive comments that are coming in, negative
10 comments, questions, product suggestions.

11 So I read through those reports each month
12 to get a sense of what people are saying and what
13 they're asking for.

14 Q Great. You gave three examples. The
15 first one was your interactions with people over
16 social media.

17 A Uh-huh.

18 Q In your interactions with people over
19 social media, have you ever come across any confusion
20 with respect to sponsorship or products between the
21 Earth Balance trademark and any products offered by
22 Balance Bar?

23 A No.

24 Q Balance Bar has a number of different
25 trademarks including Balance, Balance Gold, Balance

TESTIMONY OF ADRIANE E. LITTLE

1 Bar Gold, Balance Bar, and Balance Bare.

2 Going forward I'm going to refer to this
3 collection of marks as the Balance Bar marks. Is
4 that fair?

5 A Yes.

6 Q After having just reiterated the Balance
7 marks, does that change your answer? Are you aware,
8 from social media interactions, of any confusion
9 between the Earth Balance trademark and any of the
10 marks owned by Balance Bar?

11 A I'm not aware of any confusion.

12 Q You also mentioned that you've interacted
13 with end users at demos. Have you personally
14 attended demos for Earth Balance branded products?

15 A I have attended in-store demos and
16 consumer events, yes.

17 Q What are some examples of the demos and
18 events that you've had the opportunity to attend in
19 connection with Earth Balance products?

20 A This year I have attended a food and wine
21 event. Also the Wanderlust Yoga and Music Festival
22 that we sponsored and exhibited at. I also attended
23 both trade shows.

24 And prior to this year, I attended Green
25 Fest, gluten-free shows, different veg fests. So

TESTIMONY OF ADRIANE E. LITTLE

1 I've been to a lot of them.

2 Q Could you describe the sort of
3 interactions you have with end users at these types
4 of shows?

5 A Yeah. It was actually really fun to
6 interact with our consumers because the majority of
7 our interactions are very positive. They're coming
8 up and thanking us for making our products so they
9 can -- you know, if they're a vegan or they're dairy
10 free, they can still enjoy some of their favorite
11 foods.

12 Also if they have food allergies, they can
13 still enjoy some of their favorite foods because we
14 make it possible for them.

15 Sometimes they'll share ideas they have.
16 They'll ask questions. So it's always very
17 informative to interact with consumers.

18 Q At any of the demos or consumer events
19 that you've attended, have you ever found any
20 confusion between the products offered by Earth
21 Balance and any of the products offered under the
22 Balance Bar marks?

23 A No.

24 Q You also referred to interaction with end
25 users through consumer reports; is that correct?

TESTIMONY OF ADRIANE E. LITTLE

1 A Yes.

2 Q In the consumer reports that you review in
3 your position, have you seen any expression of
4 confusion between the Earth Balance products and any
5 of the products offered under the Balance Bar marks?

6 A No.

7 Q Since 1998, when the Earth Balance mark
8 was first used on butter substitutes, are you aware
9 of any confusion between the products offered under
10 the Earth Balance marks and the products offered
11 under the Smart Balance marks?

12 A No.

13 Q Thinking particularly about snack foods
14 that GFA has sold in connection with the Earth
15 Balance mark, are you aware of any confusion between
16 the snack products offered under the Smart Balance
17 trademark and any of the Balance Bar products?

18 A No.

19 Q Are you generally familiar with GFA's
20 Smart Balance trademark?

21 A Yes.

22 Q Are you aware of any instances of
23 confusion between the products offered under GFA's
24 Smart Balance trademark and products sold in
25 connection with any of the Balance Bar marks?

TESTIMONY OF ADRIANE E. LITTLE

1 A No.

2 (Exhibit 48 marked.)

3 Q (BY MS. WILBERT) The court reporter has
4 just handed you what's been marked as Exhibit 48.
5 Could you please confirm that Exhibit 48 bears the
6 Production No. GFA_EB 2323?

7 A Yes.

8 Q Exhibit 48 is a photograph of a bag of
9 Simply Balanced popcorn; is that correct?

10 A Yes.

11 Q And earlier I believe you testified that
12 GFA sells popcorn in connection with the Earth
13 Balance trademark, correct?

14 A Yes.

15 Q Are you aware of any instances of
16 confusion between the Simply Balanced popcorn shown
17 in Exhibit 48 and the Earth Balance popcorn?

18 A No.

19 Q Do you think that having the Simply
20 Balanced popcorn on the market is likely to cause
21 confusion with the Earth Balance popcorn?

22 A No.

23 Q Why not?

24 A They are two different brands. This is
25 Simply Balanced. Ours is Earth Balance. It's

TESTIMONY OF ADRIANE E. LITTLE

1 different words used in the brand name. "Simply" and
2 "Earth" are different words. They're -- they're
3 totally different products.

4 (Exhibit 49 marked.)

5 Q (BY MS. WILBERT) The court reporter has
6 just handed you what's been marked as Exhibit 49.
7 What is Exhibit 49?

8 A Simply Balanced nut & seed bars.

9 Q Before today were you aware of the Simply
10 Balanced nut & seed based bars?

11 A Yes.

12 Q How did you become aware of the Simply
13 Balanced nut & seed based bars?

14 A I saw them shopping at Target.

15 Q If GFA Brands sells a bar product in
16 connection with the Earth Balance trademark, do you
17 believe that there will be customer confusion with
18 the Simply Balanced nut & seed based bars?

19 A No.

20 Q Why?

21 A Again, totally different brand. Simply
22 Balanced, Earth Balance are different brands,
23 different words.

24 MS. WILBERT: I have no further questions.
25 Would you like to go off the record and take a break

TESTIMONY OF ADRIANE E. LITTLE

1 for a minute?

2 MR. SCHROEDER: Sure. Let's do that.

3 (Recess taken.)

4 EXAMINATION

5 BY MR. SCHROEDER:

6 Q Good morning.

7 A Good morning.

8 Q I'd like to ask you a few questions about
9 some of your testimony earlier today.

10 You testified earlier regarding the
11 popcorn product, the puff product and the PB pop
12 product. As far as the date of production, you had
13 said 2013?

14 A Uh-huh.

15 Q Is that correct?

16 A Yes.

17 Q Can you be more exact, more specific?

18 A January of 2013.

19 Q For all three products: Popcorn, puffs
20 and pops?

21 A Yes.

22 Q Thank you.

23 Can I ask you to pull Exhibit 26 out of
24 your stack? Do you know when that site, Made Just
25 Right, was actually launched?

TESTIMONY OF ADRIANE E. LITTLE

1 A It was launched in December 2010.

2 Q And do you have any idea how many visitors
3 you get to that site on a, let's say, monthly basis?

4 A I have that information, but I don't have
5 it off the top of my head.

6 Q Do you know anything -- can you give any
7 example -- let me rephrase that.

8 Do you have any idea approximately on a
9 daily basis or overall basis as to the number of
10 visitors to that site?

11 A I know that we have had significant growth
12 each year, but the specific number, I would have to
13 get back to you on.

14 Q Can you pull out of the stack Exhibit 31.

15 MR. SCHROEDER: And I guess at this point
16 we should mark this section attorneys eyes only.

17 (A Confidential - Attorneys Eyes Only
18 portion follows under separate cover.)

19

20

21

22

23

24

25

TESTIMONY OF ADRIANE E. LITTLE

1 Q (BY MR. SCHROEDER) Can I ask you to pull
2 out Exhibit 36. You testified earlier regarding the
3 increase in total household level awareness of the
4 Earth Balance brand, correct?

5 A Yes.

6 Q Now, according to the -- the title at the
7 top of this exhibit, this increase was related to the
8 butter and margarine blends, correct?

9 A Correct.

10 Q And -- let me rephrase that.

11 Would this chart have included sales of
12 snack products?

13 A No.

14 Q Thank you.

15 Do you have any research to show what
16 percentage of your sales are made by VP customers?

17 A The sales information we have is the -- is
18 the sales information you see in Exhibit 32. These
19 are the customers that we sell to directly.

20 Q How about on a consumer level, do you have
21 any information or data that would show what the
22 actual consumer is doing? And by that I mean whether
23 the consumer is repeat purchasers?

24 A We have data that shows loyalty, so people
25 who are loyal to our brand that continue to buy our

TESTIMONY OF ADRIANE E. LITTLE

1 brand.

2 Q And do you have any idea what percentage
3 of those consumers would be loyal?

4 A 70 percent.

5 Q So 70 percent of your consumers are people
6 who repeat purchase an Earth Balance product,
7 correct?

8 A You could assume that if they're loyal to
9 our brand they're continuing to purchase our brand.

10 Q Thank you.

11 If GFA were to sell a bar under the Earth
12 Balance mark, do you have any idea how that bar would
13 be priced?

14 A Not yet, but I can tell you that it would
15 most likely be higher in price compared to category
16 competitors based on where our other products stand
17 within their categories.

18 Q Do you have any knowledge yourself as to
19 what the pricing is in this category currently?

20 A It varies based on how the bars are
21 merchandised; if they're sold individually versus in
22 boxes of multiple bars.

23 Q So let's take an example where they're
24 sold individually. Do you have any idea what the
25 average price of a bar is in the marketplace today?

TESTIMONY OF ADRIANE E. LITTLE

1 A I think it can range anywhere from 99
2 cents up to 3.99, depending on what type of bar
3 you're buying or where you're buying it.

4 MR. SCHROEDER: Let's go back on as
5 attorneys eyes only.

6 (A Confidential - Attorneys Eyes Only
7 portion follows under separate cover.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

TESTIMONY OF ADRIANE E. LITTLE

1 Q (BY MR. SCHROEDER) Could I ask you to
2 pull out Exhibit 48. Have you ever seen that product
3 in the marketplace?

4 A I have not, no.

5 Q Do you know how long their product has
6 been sold?

7 A No.

8 Q Do you know in how many stores it's sold?

9 A No.

10 Q And do you have any idea as to the total
11 sales numbers for that product?

12 A No.

13 Q Could I ask you to take a look at
14 Exhibit 49. Now, you did mention you actually have
15 seen this product, correct?

16 A Yes.

17 Q Do you know how long that product has been
18 sold?

19 A No.

20 Q And do you know how many -- in how many
21 stores the product is sold?

22 A No.

23 Q And do you know the total sales for that
24 product?

25 A No.

TESTIMONY OF ADRIANE E. LITTLE

1 Q Has GFA ever used the mark Earth Balance
2 in connection with the sale of nut & seed based snack
3 bars?

4 A Yes.

5 Q They have?

6 A No; fruit bars. We had fruit bars in
7 2005, I believe.

8 Q Are they still being sold?

9 A No.

10 Q How about in connection with the sale of
11 nut & seed based snack bars?

12 A No.

13 Q Do you believe that the Balance Bar
14 products and the existing Earth Balance products
15 currently compete in the marketplace?

16 A No.

17 Q You were asked earlier today about whether
18 GFA Brands ever uses a term Balance alone as a
19 trademark, and I believe you testified no, correct?

20 A Correct.

21 Q But now you did testify back during your
22 deposition that was taken in June of this year that
23 GFA internally refers to the Smart Balance and Earth
24 Balance brands as the Balance Brands, correct?

25 A That's correct. That's our internal

TESTIMONY OF ADRIANE E. LITTLE

1 description of the Balance half of the company. The
2 other half of the company is referred to as the
3 natural brands, and that includes our gluten-free
4 brands and the EVOL brand.

5 MR. SCHROEDER: Okay. Thank you.

6 Can we just take a 2-minute break and I
7 think we're done.

8 MS. WILBERT: Sure.

9 (Discussion off the record.)

10 MR. SCHROEDER: No further questions from
11 me. Thank you for coming in today.

12 THE DEPONENT: Okay. Thank you.

13 MS. WILBERT: Two quick questions, maybe
14 three.

15 EXAMINATION

16 BY MS. WILBERT:

17 Q You testified that you saw the Simply
18 Balanced nut & seed based bars yourself, correct?

19 A Correct.

20 Q Where were you when you saw them?

21 A Denver.

22 Q And what store were you in?

23 A Target.

24 Q And when did you see these at a Target in
25 Denver?

TESTIMONY OF ADRIANE E. LITTLE

1 A It was earlier this year. Maybe in the
2 first quarter of this year.

3 Q You also testified that internally the
4 company sometimes refers to Earth Balance and Smart
5 Balance as the Balance Brands, correct?

6 A Correct.

7 Q Externally to end users or customers, does
8 GFA Brands ever use the term "Balance" as a
9 trademark?

10 A No.

11 MS. WILBERT: No further questions.

12 And just while we're on the record, we
13 have documents that are designated as confidential
14 but sometimes questions related to them were not
15 designated as confidential. That's okay, but we ask
16 that all exhibits bearing the confidential logo be
17 bound as confidential exhibits and treated as such.

18 Any objection?

19 MR. SCHROEDER: That's fine.

20 MS. WILBERT: Great. Thank you. No
21 further questions.

22 (The deposition concluded at 11:22 a.m.,
23 October 15, 2014.)

24

25

Agren Blando Court Reporting & Video, Inc.

TESTIMONY OF ADRIANE E. LITTLE

1 I, ADRIANE E. LITTLE, do hereby certify
2 that I have read the foregoing transcript and that
3 the same and accompanying amendment sheets, if any,
4 constitute a true and complete record of my
5 testimony.

6 Adriane Little
7 Signature of Deponent
8 (X) No amendments
() Amendments attached

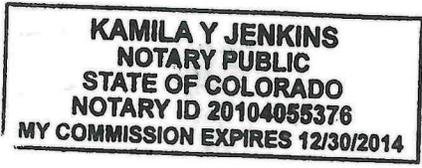
9 Subscribed and sworn to before me this
10 6 day of November, 2014.

11 Notary public: Kamila Y Jenkins

12 Address: 1600 Pearl Street, Suite 300
13 Boulder, CO 80302

14
15
16 My Commission expires 12/30/2014

17 Seal:



PJH

Agren Blando Court Reporting & Video, Inc.

TESTIMONY OF ADRIANE E. LITTLE

1 STATE OF COLORADO)

2) ss. REPORTER'S CERTIFICATE

3 COUNTY OF DENVER)

4 I, Pamela J. Hansen, do hereby certify that
5 I am a Registered Professional Reporter and Notary
6 Public within the State of Colorado; that previous to
7 the commencement of the examination, the deponent was
8 duly sworn to testify to the truth.

9 I further certify that this deposition was
10 taken in shorthand by me at the time and place herein
11 set forth, that it was thereafter reduced to
12 typewritten form, and that the foregoing constitutes
13 a true and correct transcript.

14 I further certify that I am not related to,
15 employed by, nor of counsel for any of the parties or
16 attorneys herein, nor otherwise interested in the
17 result of the within action.

18 In witness whereof, I have affixed my
19 signature this 24th day of October, 2014.

20 My commission expires September 3, 2018.

21

22

23

24

25


Pamela J. Hansen, CRR, RPR, RMR
216 - 16th Street, Suite 600
Denver, Colorado 80202

Agren Blando Court Reporting & Video, Inc.

TESTIMONY OF ADRIANE E. LITTLE

1 AGREN BLANDO COURT REPORTING & VIDEO, INC.
216 - 16th Street, Suite 600
2 Denver, Colorado 80202
4450 Arapahoe Avenue, Suite 100
3 Boulder, Colorado 80303

4 October 24, 2014

5 Johanna M. Wilbert, Esq.
411 East Wisconsin Avenue, Suite 2350
6 Milwaukee, Wisconsin 53202

7 Re: Deposition of ADRIANE E. LITTLE
Balance Bar Company vs. GFA Brands, Inc.
8 Opposition No. 91212477

9 The aforementioned deposition is ready for reading
and signing. Please attend to this matter by
10 following BOTH of the items indicated below:

11 _____ Call 303-296-0017 and arrange with us to
read and sign the deposition in our office

12
13 _XXX_ Have the deponent read your copy and sign
the signature page and amendment sheets, if
14 applicable; the signature page is attached

15 _____ Read the enclosed copy of the deposition
and sign the signature page and amendment
16 sheets, if applicable; the signature page
is attached

17 _XXX_ WITHIN 30 DAYS OF THE DATE OF THIS LETTER

18 _____ By _____ due to a trial date of _____

19 Please be sure the original signature page and
amendment sheets, if any, are SIGNED BEFORE A NOTARY
20 PUBLIC and returned to Agren Blando for filing with
the original deposition. A copy of these changes
21 should also be forwarded to counsel of record. Thank
you.

22
23 AGREN BLANDO COURT REPORTING & VIDEO, INC.
cc: All Counsel

24

25

TESTIMONY OF ADRIANE E. LITTLE

1 AGREN BLANDO COURT REPORTING & VIDEO, INC.
216 - 16th Street, Suite 600
2 Denver, Colorado 80202
4450 Arapahoe Avenue, Suite 100
3 Boulder, Colorado 80303

4

5 ADRIANE E. LITTLE
October 15, 2014
6 Balance Bar Company vs. GFA Brands, Inc.
Opposition No. 91212477
7

8

9 The original deposition was filed with
10 Johanna M. Wilbert, Esq., on approximately
11 the 24th day of October, 2014.

12 _____ Signature waived

13 _____ Unsigned; signed signature page and
14 amendment sheets, if any, to be filed at
trial

15 _____ Reading and signing not requested pursuant
16 to C.R.C.P. Rule 30(e)

17 XXX Unsigned; original amendment sheets and/or
18 signature pages should be forwarded to
Agren Blando to be filed in the envelope
attached to the sealed original.

19 Thank you.

20 AGREN BLANDO COURT REPORTING & VIDEO, INC.
21 cc: All Counsel

22

23

24

25

WORD INDEX

< \$ >

\$1.00 5:6

< 0 >

000721 11:13

002321 13:17

< 1 >

10 3:2

100 94:2 95:2

10-pack 14:10, 11

11 3:4

11:22 a.m 91:22

110 1:1

11702 1:1

12 3:7 27:4, 5

13 3:7 27:4, 5

130,000 68:20

15 1:1 2:4 91:23
95:5 96:1

16 3:2, 10, 10

9:13, 15, 16, 19

16th 93:23 94:1

95:1

17 3:2, 12 10:4, 6,
7 65:2

18 3:4 11:9, 11,

12, 15, 18, 22 12:10

19 3:7, 15 12:17,

19, 20

1998 9:23 10:19

11:3 12:6 74:7

1999 3:4

1-ounce 14:8

< 2 >

20 3:7, 15 13:12,
15, 16, 19

2002 9:23

2005 89:7

2008 12:25 13:6

2010 6:16 7:10

16:8, 15 21:20
68:6 69:24 78:1

2011 4:6, 9 5:15

17:1, 7 18:13 65:6

2012 4:15 6:15,

17 15:8 18:16

2013 4:16 12:3

14:25 19:10 21:8

23:13 77:13, 18

2014 1:1 2:4

3:21 4:3, 7, 9 5:2

25:25 26:3 91:23

92:10 93:19 94:4

95:5, 6 96:1, 1

2018 93:20

21 3:10, 18 15:25

16:3, 3

216 93:23 94:1

95:1

22 3:10 16:17, 20,
20

23 3:12 17:9, 12,

13, 16 18:21 63:5

2323 75:6

2350 1:1 94:5

2354 19:19

2360 20:22

2361 24:5

2370 25:12

2371 25:12

24 3:15, 18 19:14,

17, 18, 21, 24 94:4

2458 26:13

2470 26:15

2474 64:3

24th 93:19 95:6

25 3:15, 21 20:18,

20, 21, 24

26 3:18 4:2

21:12, 15, 15 22:20

77:23

2660 2:5

27 3:18 24:1, 3, 4,

7, 13

28 3:21 25:7, 10,

11, 14, 24 26:1

29 4:2, 4 26:9, 11,

12, 17 27:5, 10

2-minute 90:6

< 3 >

3 4:15, 22 11:25

12:2 93:20

3.99 85:2

30 2:16 4:4, 6

29:2, 5, 6, 9 94:17

95:15

30,000 70:4

303-296-0017

94:11

31 2:16 4:6 78:14

32 4:9 67:9 83:18

33 2:18 4:9, 10

34 4:13

35 4:18

36 4:10, 20 17:14

83:2

37 5:2

38 4:13 5:3

51:16, 18, 19, 22, 25

52:4, 10

39 5:6 52:19, 21,

22, 25 53:4, 6

< 4 >

40 5:6 55:14, 16,
17, 20

41 5:8

411 1:1 94:5

414.277.5495 1:1

42 4:18 5:10

63:1, 4, 7

43 4:20 5:13

63:24 64:2, 5

44 5:2, 13 64:23,

25 65:1, 4

4450 94:2 95:2

45 5:16 65:24

66:1, 2

45-ounce 12:14

46 5:16 66:14, 16,

17

47 5:18 67:5, 7, 8,

11

48 5:21 75:2, 4, 5,

8, 17 88:2

49 5:23 76:4, 6, 7

88:14

< 5 >

5 3:21

50 2:18

51 5:3

52 5:6

53202 1:1 94:6

55 5:6

57 2:18 5:8

< 6 >

6 2:13 3:4

600 93:23 94:1

95:1

605 1:1

62 2:18

63 5:10, 13

631.649.6109 1:1

64 5:13

646 55:18

65 5:16

652 52:23

658 52:23

66 5:16

661 51:20

664 51:20

665 29:6

666 29:7

67 5:18

< 7 >

7 3:21

70 84:4, 5

75 5:21

76 5:23

77 2:14

79 2:19

7th 25:25 26:3

< 8 >

80202 93:23 94:2

95:2

80303 94:3 95:3

82 2:19

86 2:19

87 2:19

< 9 >

9 3:2

9:00 2:4

90 2:13

90s 8:3

91212477 1:1

94:8 95:6 96:1

99 85:1

< A >

a.m 2:4

able 71:8

accompanying 92:3

accurate 9:20, 21

64:15

accurately 11:18

19:24 23:1 24:13

27:5

action 93:17

activities 6:24

7:13

actual 83:22

ad 5:10, 13 11:16

12:12 63:8, 10, 11

65:5, 12

add 26:25

addition 14:3

additional 12:11, 13

Address 92:13

96:1

ADRIAN 6:2, 8

ADRIANE 1:1, 1

2:1, 2, 11 3:1 4:1

5:1 6:1 7:1 8:1

9:1 10:1 11:1

12:1 13:1 14:1

15:1 16:1 17:1

18:1 19:1 20:1

21:1 22:1 23:1

24:1 25:1 26:1

27:1 28:1 29:1

32:1 51:1 52:1

53:1 54:1 55:1

56:1 63:1 64:1

65:1 66:1 67:1

68:1 69:1 70:1
 71:1 72:1 73:1
 74:1 75:1 76:1
 77:1 78:1 83:1
 84:1 85:1 88:1
 89:1 90:1 91:1
 92:1, 1 93:1 94:1,
 7 95:1, 5 96:1, 1
ads 63:15, 20
 64:20
advertise 69:2
advertisement 5:13
 64:6
advertising 51:1
advocate 54:9
affiliated 55:2
affixed 93:18
mentioned
 94:9
aged 3:15, 17
 19:23 20:25 21:3
agencies 7:1 9:3
agency 68:10
AGREN 94:1, 20, 21
 95:1, 17, 20
Albertson's 15:21
allergies 73:12
allow 53:16
alternative 8:5
 9:11 26:25 27:1
amendment 92:3
 94:13, 15, 19 95:13,
 15 96:1
amendments 92:7,
 8
amount 69:13
amplified 69:3
Analysis 5:2
announcements
 70:2
announcing 54:16
answer 72:7
anticipated 24:24
APPEAL 1:1 8:6
appeals 8:13
appear 63:11
APPEARANCES 1:1
appeared 65:7
Appearing 1:1, 1
appears 22:6
 25:17 65:11 66:5
 67:14
appetizers 70:21
applicable 94:13, 15
Applicant 1:1, 1
 2:3 7:15
Applicant's 9:15
 13:14, 16, 19 16:2,
 3, 19, 20 17:11, 13,

16 19:16, 18, 21
 20:21, 24 21:14
 24:7 25:9, 11
 26:17 29:4, 5, 9
 63:3
approximately
 63:19 64:19 78:8
 95:6
April 3:4
Arapahoe 94:2
 95:2
arrange 94:11
aside 14:1
asked 89:17
asking 71:13
assistant 7:4
associated 15:16
assume 84:8
Atlanta 3:23
 25:22 26:3
attached 26:1
 92:8 94:13, 16
 95:18
attachment 3:23
attend 71:6 72:18
 94:9
attended 72:14, 15,
 20, 22, 24 73:19
attending 8:25
ATTORNEYS 2:16
 3:23 4:7, 10, 13, 16,
 20, 23 5:3, 10
 29:18, 20 32:14, 16
 56:10, 11 78:16, 17
 85:5, 6 93:16
attributes 28:15
available 20:13
 32:8
Avenue 1:1 94:2,
 5 95:2
avenues 68:1, 5
 71:5
average 84:25
aware 72:7, 11
 74:8, 15, 22 75:15
 76:9, 12
Awareness 4:18
 83:3

< B >
Babylon 1:1
back 13:24 21:20
 32:14 56:9 68:22
 70:3, 23 78:13
 85:4 89:21
background 11:23
 27:15
bag 23:6 70:15
 75:8

bake-off 5:15
 65:6, 9
Baker 67:2
BALANCE 1:1 3:2,
 4, 7, 7, 10, 12, 14, 15,
 15, 18 4:2, 6, 10, 13,
 20 5:2, 5, 6, 8, 10,
 13, 20 6:20, 24 7:5,
 23 8:1, 2, 10, 17, 22
 9:8 10:2, 10, 17, 23
 11:1, 7, 19, 25
 12:23 13:1, 4, 10,
 20, 23 14:5, 20, 23
 15:3 16:5, 6, 9, 13,
 22, 24 17:3, 6
 18:11, 19, 22 19:1,
 8, 12, 22, 25 20:9,
 16 21:2, 7, 9, 24
 22:1, 3, 12, 16 23:3,
 6, 12, 15 24:8, 14
 25:15 26:6 27:1,
 6, 21, 22, 23 28:8,
 18, 22 29:13, 15
 32:3, 7, 8 51:2, 4,
 5, 6, 8, 13, 23 52:7
 53:1, 10, 24 55:3, 6
 63:14, 17, 20 64:16,
 20 65:5, 17, 19
 66:9, 11, 25 67:3,
 13, 14, 17, 20 68:2,
 18, 19 69:23 70:7,
 11 71:21, 22, 24, 25,
 25, 25 72:1, 1, 3, 6,
 9, 10, 14, 19 73:21,
 22 74:4, 5, 7, 10, 11,
 15, 16, 17, 20, 24, 25
 75:13, 17, 21, 25
 76:16, 22 83:4
 84:6, 12 89:1, 13,
 14, 18, 23, 24, 24
 90:1 91:4, 5, 5, 8
 94:7 95:6 96:1
Balanced 5:21, 23
 75:9, 16, 20, 25
 76:8, 10, 13, 18, 22
 90:18
banner 11:16
BAR 1:1 4:4 5:18
 28:24 29:10 66:9,
 10, 19 71:22, 24
 72:1, 1, 3, 10 73:22
 74:5, 17, 25 76:15
 84:11, 12, 25 85:2
 89:13 94:7 95:6
 96:1
Bare 72:1
bars 5:23 28:21
 66:13, 21, 24 76:8,

10, 13, 18 84:20, 22
 89:3, 6, 6, 11 90:18
Based 4:10 76:10,
 13, 18 84:16, 20
 89:2, 11 90:18
Baseline 4:15
basically 23:9, 23
basis 78:3, 9, 9
bearing 11:7
 13:10 29:14 32:2,
 6 91:16
bears 11:12 13:16
 17:13 19:18 20:22
 24:4 25:11 26:12
 29:6 51:19 52:22
 55:17 63:4 64:2
 65:1 67:8 75:5
beginning 27:14
behalf 1:1, 1 54:10
believe 24:17 65:6
 75:11 76:17 89:7,
 13, 19
best 20:6
big 55:4
BLANDO 94:1, 20,
 21 95:1, 17, 20
blend 8:4
Blends 4:19, 22
 83:8
blogger 22:11 67:2
bloggers 53:9, 23,
 24 54:1, 2, 13
BOARD 1:1
bottom 21:25
 65:12
Boulder 2:5, 5
 6:12, 13, 18 7:8, 14,
 16, 19 27:18 94:3
 95:3
Boulevard 2:5
bound 91:17
box 26:23 70:16
boxes 84:22
BRADY 1:1
Brand 4:20 7:4, 23
 8:1, 23 27:21, 23
 29:12, 13 53:15
 54:9, 10 55:6
 68:18 70:25 76:1,
 21 83:4, 25 84:1, 9,
 9 90:4
branded 72:14
BRANDS 1:1 4:5
 6:12, 14, 19 7:8, 15,
 15, 17, 19, 19 8:17,
 21 10:1 11:19
 12:9 14:4, 20
 16:9, 23 17:2, 5
 18:10, 25 19:7, 11,

25 21:6, 9 23:20
 25:2 27:18, 19
 28:21 29:11 51:2,
 7, 13 54:13 55:5
 63:15, 19 64:19
 66:8 68:1 69:22
 70:6 75:24 76:15,
 22 89:18, 24, 24
 90:3, 4 91:5, 8
 94:7 95:6 96:1
breadth 15:23
break 76:25 90:6
browsing 63:12
budget 7:3
build 54:4
butter 3:7, 9 4:18,
 22 8:4 9:11 10:13,
 18, 24 11:2, 6, 20
 12:9, 22, 24 13:2, 5,
 9, 21, 23 14:4, 8, 12,
 16, 18, 21, 23 15:4,
 7, 7, 8 19:4 23:9
 26:25 64:13, 14, 17
 70:14 74:8 83:8
buttery 9:9, 10, 22
 10:21 12:4, 7, 8, 14
 17:25 18:7 27:1
 67:3
buy 14:10, 11
 83:25
buyers 64:11
buying 85:3, 3

< C >
C.R.C.P 95:15
caddy 14:10, 11
call 32:10 94:11
called 2:3 17:22
Canada 53:21
 55:24 56:1
Canadian 53:19
 55:21
Canyon 2:5
card 65:10
carry 14:17 15:22,
 23
catching 27:24
categories 4:6
 22:23, 24 51:24
 52:3 84:17
Category 6:20
 17:21 18:21 84:15,
 19
cause 75:20
cc 94:23 95:20
cents 85:2
certainly 66:10
CERTIFICATE 93:2

certify 92:1 93:4,
 9, 14
chains 15:22
chance 65:9
change 72:7
changed 7:7
changes 94:20
 96:1
channel 8:5 15:10,
 11, 14 20:11 24:22
 25:5 32:9
channel, 15:12
channels 32:9
 54:20 65:23
characteristics
 28:14
chart 83:11
cheddar 3:15, 17,
 20 19:5, 23 20:7
 21:1, 4, 5 23:22, 24
 24:9, 10, 15, 17
 25:3 70:16
Cheese 4:2 9:12
 10:13, 14 26:20, 21,
 23 27:3, 7 28:10,
 11, 13, 15
Chips 3:22 19:4
 25:16, 22 26:2, 5
 70:15
chosen 8:10
cinnamon 18:1, 15
circle 13:24
circular 55:22 56:7
claims 28:7, 8
click 68:23
Coconut 5:8, 12
 15:7, 7 18:2, 3, 3,
 13 52:8 56:1 63:9
 64:14
collection 72:3
Colorado 2:6, 8
 93:1, 6, 23 94:2, 3
 95:2, 3
come 8:20 71:19
coming 71:9 73:7
 90:11
commencement
 93:7
commencing 2:4
comments 71:9, 10
commercial 26:19
 27:11
Commission 92:16
 93:20 96:1
community 21:19
 65:13
COMPANY 1:1
 90:1, 2 91:4 94:7

95:6 96:1
compare 28:16
compared 84:15
compete 89:15
competition 28:16
competitors 55:12
 84:16
complete 92:4
concluded 91:22
CONFIDENTIAL
 2:16 3:23 4:7, 10,
 13, 16, 20, 23 5:3,
 10 29:18, 20 32:16
 56:10, 11 78:17
 85:6 91:13, 15, 16,
 17
confirm 11:12
 13:15 17:12 19:17
 20:21 24:4 25:10
 26:12 29:5 51:19
 52:22 55:17 63:4
 64:2 65:1 67:8
 75:5
confusion 71:19
 72:8, 11 73:20
 74:4, 9, 15, 23
 75:16, 21 76:17
conjunction 26:19
connected 66:24
connection 3:2
 7:14 8:17, 21 9:8
 10:2 11:6, 20
 12:24 13:2, 5, 9
 14:4 16:7, 10, 14,
 24 17:3, 6 18:11,
 19, 23 19:1, 8, 12
 20:1 21:7 23:2,
 12, 15 24:14 26:6
 27:6 28:18, 22
 51:4, 13 63:16
 64:16 66:9 72:19
 74:14, 25 75:12
 76:16 89:2, 10
connote 8:12
consider 14:20
 23:17
constitute 92:4
constitutes 93:12
consumer 9:2
 71:8 72:16 73:18,
 25 74:2 83:20, 22,
 23
consumers 8:7, 13
 9:1 14:10 21:22
 22:13, 17 52:17
 53:14 65:8 67:24
 68:8 73:6, 17
 84:3, 5

content 22:9 54:5
 65:22 68:9, 22
 70:22
contests 22:10
 68:21 70:2
continue 83:25
continues 4:12
 22:19
continuing 84:9
continuously 11:2
 13:6 16:14 17:7
 18:18
contractor 6:16, 16
 7:9
convenient 14:17
conventional 15:11,
 20, 23 20:13, 15
 25:6 32:10
conventional, 15:18
convey 51:3
conveying 22:21
cook 18:8
cooking 70:12
Cooper 1:1
copy 94:11, 13, 20
corner 65:12
correct 24:18
 25:18 73:25 75:9,
 13 77:15 83:4, 8, 9
 84:7 88:15 89:19,
 20, 24, 25 90:18, 19
 91:5, 6 93:13
corrected 9:24
cost 55:10
counsel 93:15
 94:21, 23 95:20
COUNTY 93:3
couple 12:11 20:17
coupon 5:6 52:6,
 7 55:22, 22, 25
Coupons 5:3, 6
 51:12, 24 52:1, 4, 9,
 14, 16 53:2, 6, 8, 17,
 22 54:18 56:8
court 10:5 11:10
 12:18 13:13 16:1,
 18 17:10 19:15
 20:19 21:13 24:2
 25:8 26:10 29:3
 51:17 52:20 55:15
 63:2, 25 64:24
 65:25 66:15 67:6
 75:3 76:5 94:1, 21
 95:1, 20
COVER 2:16 29:21
 32:17 56:12 78:18
 85:7
covered 23:9

<p>covering 52:4 covers 52:5 crackers 9:12 19:5 Creamy 3:9 create 52:1 65:20 67:22 70:22 created 8:3, 4, 6 11:16 21:20 63:8 creations 70:13 crossed 9:23 CRR 93:22 culinary 9:10 12:15 17:22, 22, 24 18:5, 11, 14, 17 52:5 70:12 current 6:18 currently 6:9 84:19 89:15 Curve 4:12 customer 4:9 5:2 18:4 76:17 customers 53:11 83:16, 19 91:7</p> <p>< D > daily 22:8 68:8, 12, 21 78:9 dairy 73:9 dairy-free 24:25 data 83:21, 24 date 25:24 68:12 77:12 94:17, 18 day 8:25 9:5 69:20 92:10 93:19 95:6 96:1 DAYS 94:17 Deal 55:21, 22 56:6 decadent 23:10 December 4:15 78:1 Deliciousness 3:6 demos 52:12 72:13, 14, 15, 17 73:18 Denver 90:21, 25 93:3, 23 94:2 95:2 depending 85:2 depicts 11:22 DEPONENT 90:12 92:7 93:7 94:11 96:1, 1 DEPOSITION 1:1 2:2, 11 7:18 13:24 89:22 91:22 93:9 94:7, 9, 11, 13, 20 95:6 96:1</p>	<p>describe 6:21 9:6 22:7 32:5 54:12 56:3 68:16 73:2 description 90:1 designated 91:13, 15 designation 32:15 designing 14:15 desserts 70:21 detail 54:12 develop 9:4 developers 67:22 development 6:25 26:19 27:12 Diet 4:12 21:23 22:12 27:24 different 11:22, 24 22:9 32:9 51:24 52:2, 14 55:12 67:18 71:24 72:25 75:24 76:1, 2, 3, 21, 22, 23 digital 7:1 11:17 63:11, 15, 20 dips 10:16 directly 83:19 discussed 23:21 Discussion 90:9 Display 5:10 63:8, 10 dispute 7:15 distributes 52:16 distribution 20:14 25:5 Document 3:4 9:24 documents 91:13 doing 23:25 24:18 55:8 69:9 83:22 dollar-off 51:24 53:18 56:8 driven 70:19 driving 14:19 dry 26:25 due 94:18 duly 6:3 93:8</p> <p>< E > earlier 10:20 64:12 65:14 75:11 77:9, 10 83:2 89:17 91:1 Earth 3:2, 4, 7, 10, 12, 14, 15, 15, 18 4:2, 6, 10, 13, 20 5:2, 5, 6, 6, 10, 13, 20 6:20, 24 7:5, 23 8:1, 2, 9, 11, 17, 22 9:8 10:2, 10, 17, 23</p>	<p>11:1, 7, 19, 25 12:23 13:1, 4, 10, 23 14:5, 20, 23 15:3, 15 16:4, 6, 9, 13, 21, 24 17:3, 6 18:11, 19, 22 19:1, 8, 12, 22, 25 20:9, 16 21:2, 7, 9, 24 22:1, 2, 12, 16 23:2, 6, 12, 15 24:8, 14 25:15 26:6 27:1, 5, 20, 21, 23 28:7, 18, 22 29:13, 14 32:2, 6, 8 51:3, 4, 5, 6, 13, 23 52:7 53:1, 10, 24 55:3, 6 63:13, 16, 20 64:16, 20 65:5, 17, 19 66:8, 11, 25 67:3, 13, 14, 17, 20 68:1, 17, 19 69:23 70:7, 11 71:21 72:9, 14, 19 73:20 74:4, 7, 10, 14 75:12, 17, 21, 25 76:2, 16, 22 83:4 84:6, 11 89:1, 14, 23 91:4 East 1:1 94:5 eating 14:16 27:22 70:14 EB 5:8 11:13 13:17 17:14 19:19 20:22 24:5 25:12 26:13, 15 29:6 51:20 52:23 55:18 63:5 64:3 65:2 67:9 75:6 editors 55:1 educate 21:22 either 22:12 63:13 e-mail 3:21 25:18, 20 embraced 20:6 employed 6:9, 11, 13 93:15 employee 6:15 enclosed 94:13 encourage 52:15 54:13 encouraging 22:17 65:8 engage 22:13 55:7 engaged 53:14 engagement 69:25 engaging 68:8 enjoy 73:10, 13 ensure 69:4, 15 ensures 69:19</p>	<p>entertaining 70:17 envelope 95:17 Esq 1:1, 1 94:5 95:6 essentially 21:4 26:22 55:23 69:11, 18 event 72:21 events 8:25 52:11 53:13 71:6 72:16, 18 73:18 EVOL 90:4 exact 77:17 EXAMINATION 2:12 6:5 77:4 90:15 93:7 examined 6:3 example 11:24 54:14 78:7 84:23 examples 22:24 66:12 71:3, 14 72:17 exceeded 24:21 excited 24:25 53:15 exclusively 24:23 Exhibit 3:2, 2, 4, 7, 7, 10, 10, 12, 15, 15, 18, 18, 21 4:2, 4, 6, 9, 10, 13, 18, 20 5:2, 3, 6, 6, 8, 10, 13, 13, 16, 16, 18, 21, 23 9:13, 15, 16, 19 10:4, 6, 7 11:9, 11, 12, 15, 18, 22 12:10, 17, 19, 20 13:12, 15, 16, 19 15:25 16:3, 3, 17, 20, 20 17:9, 12, 13, 16 18:21 19:14, 17, 18, 21, 24 20:18, 20, 21, 24 21:12, 15, 15 22:20 24:1, 3, 4, 7, 13 25:7, 10, 11, 14, 24 26:1, 9, 11, 12, 17 27:4, 10 29:2, 4, 6, 9 51:16, 18, 19, 22, 25 52:4, 10, 19, 21, 22, 25 53:3, 4, 6 55:14, 16, 17, 20 63:1, 4, 7, 24 64:1, 5, 12, 23, 25 65:1, 4, 24 66:1, 2, 14, 16, 17 67:5, 7, 8, 11 75:2, 4, 5, 8, 17 76:4, 6, 7 77:23 78:14 83:2, 7, 18 88:2, 14 exhibited 72:22</p>
--	--	--	---

EXHIBITS 3:1 4:1
5:1 91:16, 17
existing 65:22
89:14
expand 25:2, 6
28:17 53:23
expectations 24:21
expires 92:16
93:20 96:1
express 54:17
expression 74:3
Externally 91:7
EYES 2:16 3:23
4:7, 10, 13, 16, 20,
23 5:3, 10 29:18,
20 32:14, 16 56:10,
11 78:16, 17 85:5,
6

< F >
Facebook 68:7, 16,
17, 18, 21 69:2, 5,
16, 18 70:5
fact 23:2
factored 4:19, 22
fair 7:20 72:4
fall 28:13
familiar 7:22 8:16,
20 9:25 11:5 13:8
22:17 29:13 32:1
51:12 67:25 68:4
74:19
Family 22:3
far 23:25 77:12
Fare 15:16
fastest 28:6
fat 10:13, 14, 15
favorite 15:8 18:8
66:13 73:10, 13
feature 56:7
featured 12:3, 12
features 65:20
FEB 4:18
feed 69:17, 19
feeding 70:16
Fest 72:25
Festival 72:21
festivals 72:25
figures 28:3 29:14
filed 95:6, 13, 17
filing 94:20
Final 4:15
financial 7:2
find 14:2 26:23
fine 91:19
first 6:3 9:21
10:17 12:5, 24
16:6, 23 19:7
23:5, 11 25:17

52:5 71:15 74:8
91:2
five 8:23 64:22
flavor 3:17, 20
18:3 21:4
flavors 18:1
Flavour 5:8
focus 53:20
focused 22:9, 9
focusing 56:1
followers 68:20
69:4, 11 70:4
following 21:23
94:10 96:1
follows 6:4 29:21
32:17 56:12 78:18
85:7
food 10:16 15:14
20:12 23:18 72:20
73:12
Foods 8:7 15:15
18:8, 23, 25 20:12
23:20 24:23 25:16
55:22 64:7, 9, 11
65:9 73:11, 13
74:13
foregoing 92:2
93:12
form 93:12
formats 14:5
forth 93:11
forward 7:18 72:2
forwarded 94:21
95:17
found 73:19
four 56:5
Free 4:4 5:6, 16
29:11 53:1, 8, 22
54:18 73:10
friendly 70:9
fruit 89:6, 6
fulfills 70:22
full 6:7
full-time 6:15
fully 25:4
fun 73:5
further 76:24
90:10 91:11, 21
93:9, 14

< G >
gained 7:11
gardens 12:6
garlic 18:1, 15
gate 24:22
generally 6:21 9:6
15:3 29:13 32:5
74:19

GFA 1:1 7:15, 16,
19 8:17, 21 10:1,
23 11:1, 6, 13, 18
12:9 13:1, 4, 9, 17
14:3, 20 16:9, 13,
23 17:2, 5, 14
18:10, 22, 25 19:7,
11, 19, 24 20:22
21:6, 9 23:11, 14,
20 24:5 25:2, 12
26:13, 15 28:17, 21,
24 29:6 51:2, 7, 10,
12, 20 52:16, 23
54:13 55:5, 18
63:5, 15, 19 64:3,
19 65:2, 16 66:8
67:9 68:1, 5, 17, 18
69:22 70:6 74:14
75:6, 12 76:15
84:11 89:1, 18, 23
91:8 94:7 95:6
96:1
GFA's 74:19, 23
gift 65:10
Gigi 67:1
give 7:25 27:14
53:10 71:3 78:6
giveaways 22:10
54:6 68:22
given 96:1
giving 22:24
Glenn 1:1
Gluten 4:4 5:16
29:11
gluten-free 66:18
67:1, 2 72:25 90:3
Glutino 4:4 29:11
GMOS 5:13
go 14:12, 19 56:9
76:25 85:4
Going 7:18, 19
55:10 68:13 69:7,
12, 16, 17 70:20
72:2, 2
Gold 71:25 72:1
good 3:22 20:8
52:6 77:6, 7
goods 10:1
grain 5:21
great 53:25 54:8
70:11 71:14 91:20
Green 72:24
grew 27:3
Grocery 4:2 15:22
Gross 4:6, 9
group 54:8
groups 52:14
growing 27:25
28:6, 11

Growth 4:12 28:2,
4, 5 78:11
**gschroeder@schroed
erlawpc.com** 1:1
guess 78:15

< H >
half 90:1, 2
handed 9:14 10:6
11:11 12:19 13:14
16:2, 19 17:11
19:16 20:20 21:14
24:3 25:9 26:11
29:4 51:18 52:21
55:16 63:3 64:1,
25 66:1, 16 67:7
75:4 76:6
handle 7:6
Hansen 2:6 93:4,
22
head 78:5
headed 5:13
heading 22:1, 2
headlines 28:1
Health 4:20 28:7
63:14
help 54:20
herb 18:1, 15
high 9:6 27:17
higher 53:8 84:15
highlighting 27:22
Highly 4:13 53:14
Historical 4:18
history 7:22 8:1
holiday 5:15 65:6,
8
home 5:16, 18
26:24 66:3
homepage 67:12
hopefully 55:13
household 83:3
Households 4:19,
23
Hughes 3:21, 22

< I >
idea 78:2, 8 84:2,
12, 24 88:10
ideas 73:15
image 64:15
images 70:1
incentivize 52:13
include 15:15 19:3
65:19
included 27:15, 19
83:11
includes 12:4 90:3
including 71:25

increase 83:3, 7
indicated 94:10
individual 14:9
 22:23
individually 14:11
 84:21, 24
industry 64:11
info 21:22
information 21:21
 22:20 68:24 78:4
 83:17, 18, 21
informative 73:17
ingredient 66:11
ingredients 8:14, 15
in-house 52:1 53:5
INITIAL 3:1 4:1
 5:1
initiatives 55:10
innovative 65:21
insertions 56:7
Instagram 70:8, 10
instances 74:22
 75:15
in-store 52:12
 72:15
intend 28:21
intended 13:22
intention 28:17
interact 8:24
 68:11 71:1 73:6,
 17
interacted 72:12
interacting 9:2
interaction 53:9, 24
 71:6 73:24
interactions 71:15,
 18 72:8 73:3, 7
interchangeably
 7:20
interest 54:17
interested 63:14
 93:16
interesting 22:13
internal 89:25
internally 89:23
 91:3
interns 7:4
introduced 11:25
 14:24
involvement 27:9
item 14:21 15:9
 52:13 65:21
items 12:11, 13, 15
 15:23 17:25 28:15
 53:15 65:22 70:2
 94:10
its 28:25 51:1

< J >

January 4:15
 77:18
jar 14:18
jars 14:3 15:4
Johanna 1:1 94:5
 95:6
johanna.wilbert@qu
arles.com 1:1
joined 7:8
June 4:3 89:22

< K >

keep 68:12
Kettle 3:22 19:4
 25:16, 22 26:2, 5
 70:15
kind 25:1
King 15:21
know 8:9, 25 55:9,
 11 64:22 73:9
 77:24 78:6, 11
 88:5, 8, 17, 20, 23
knowledge 84:18
Kroger 20:17
Kroger's 15:20

< L >

label 23:6 64:13
labeled 51:6
larger 15:21
late 8:3
launch 18:17 20:5
launched 9:18, 22
 12:3, 6 18:13, 14,
 15 19:5 23:23
 24:22 54:16 77:25
 78:1
launches 65:21
launching 54:3
LAW 1:1
lend 70:12
LETTER 94:17
letting 55:9
level 9:7 27:17
 83:3, 20
lifestyle 21:21
 22:10
lightly 5:21
likes 69:15, 19
 70:4
limited 20:14
line 8:4 9:9, 21
 19:2 96:1
link 67:15, 17
 68:22
linking 70:3
links 70:23
list 9:17 23:1
listing 22:22

LITTLE 1:1, 1 2:1,
 2, 11 3:1, 21 4:1
 5:1 6:1, 2, 8 7:1
 8:1 9:1 10:1
 11:1 12:1 13:1
 14:1 15:1 16:1
 17:1 18:1 19:1
 20:1 21:1 22:1
 23:1 24:1 25:1
 26:1 27:1, 15 28:1
 29:1 32:1 51:1
 52:1 53:1 54:1, 12
 55:1 56:1 63:1
 64:1 65:1 66:1
 67:1 68:1 69:1
 70:1 71:1 72:1
 73:1 74:1 75:1
 76:1 77:1 78:1
 83:1 84:1 85:1
 88:1 89:1 90:1
 91:1 92:1, 1 93:1
 94:1, 7 95:1, 5
 96:1, 1
live 70:24
living 21:20 65:15
LLP 1:1
logo 91:16
long 6:13 18:10
 21:6 63:19 64:19
 88:5, 17
look 25:5 70:17,
 20 88:13
looked 67:18
looking 3:22 8:14
 54:4
looks 22:19
lot 53:25 69:6
 73:1
love 15:9
loves 27:3
low 10:13, 14, 15
loyal 83:25 84:3, 8
loyalty 83:24

< M >

Mac 4:2 9:12
 26:20, 21, 23 27:2,
 7 28:10, 11, 13, 15
Magazine 55:1
 65:7
magic 66:13, 21, 24
Magical 5:18 66:19
mail 54:17
mailings 55:9
majority 73:6
making 73:8
manage 6:24 7:3,
 4 71:4
managed 68:7

manager 6:20 7:4
 29:12 70:25
manages 68:10
managing 7:1 68:9
Manufacturer's 5:3,
 6
March 5:2
Margarine 4:18, 22
 10:14, 15 83:8
mark 10:2 29:18
 74:7, 15 78:16
 84:12 89:1
marked 9:13, 15
 10:4, 6 11:9, 11
 12:17, 19 13:12, 14
 15:25 16:2, 17, 19
 17:9, 11 19:14, 16
 20:18, 20 21:12, 14
 24:1, 3 25:7, 9
 26:9, 11 29:2, 4
 51:16, 18 52:19, 21
 55:14, 16 63:1, 3,
 24 64:1, 23, 25
 65:24 66:1, 14, 16
 67:5, 7 75:2, 4
 76:4, 6
market 12:1 14:24
 15:5 20:4 21:23
 65:9 69:23 75:20
marketed 8:5
Marketing 5:8
 6:23 7:1, 2, 3, 6,
 12, 13 11:17 25:21
 26:20
marketplace 28:4,
 11, 12 84:25 88:3
 89:15
marks 72:3, 3, 7,
 10 73:22 74:5, 10,
 11, 25
Marriott 2:5
Mass 4:3 32:11, 12
matter 94:9
mayo 9:11, 11
mayonnaise 3:12,
 12 16:22, 24 17:2,
 5
mean 15:13 24:20
 32:12 83:22
Measures 4:22
media 7:2, 11
 28:1, 2 53:13
 54:20, 24, 25 55:2,
 4, 6 65:23 67:25
 68:5, 7, 15, 25 70:6
 71:5, 16, 19 72:8
Meet 22:1, 2
members 25:21
mention 88:14

mentioned 24:17
 32:10 52:12 53:19,
 20 54:24 56:4
 65:14 68:16 71:4
 72:12
mentioning 54:25
merchandised
 84:21
Merchandiser 64:8,
 9
methods 51:10
milk 3:10 9:11
 16:5, 7, 10, 14 27:1
 52:8
Milwaukee 1:1
 94:6
mind 51:11
Mindful 9:11
minute 77:1
mission 27:18
mix 26:25
moment 9:19
money 69:6, 8, 15,
 18
month 71:11
monthly 71:7 78:3
morning 77:6, 7
muffins 18:7
multiple 84:22
Music 72:21

< N >
name 6:7 76:1
narrow 27:20
Natural 3:9 8:3, 5,
 6, 8, 11, 12, 15
 13:20 15:10, 12, 14,
 17, 22 20:11, 12
 24:22 25:5 28:12
 32:9 64:7, 9, 10
 90:3
Natural.Com 67:21
negative 71:9
never 51:10
New 1:1 6:24 9:4
 26:20 52:13 53:15
 54:3, 16 55:9
 65:21
News 65:7 69:16,
 19, 25
newsworthy 70:2
nice 14:18
nondairy 20:7
nonfat 10:14, 15, 16
non-GMO 28:4
Nos 25:11 26:13
 51:20
Notary 2:7 92:10

93:5 94:19
Notary's 96:1, 1
Notice 2:1
number 11:22
 12:4 13:16 17:13
 19:18 71:24 78:9,
 12
numbers 4:6, 9
 88:11
nut 5:23 14:23
 76:8, 10, 13, 18
 89:2, 11 90:18

< O >
oats 23:10
objection 91:18
October 1:1 2:4
 91:23 93:19 94:4
 95:5, 6 96:1
offer 12:9 28:21
Offered 3:2 4:4
 25:3 26:6 28:18
 29:11 71:21 73:20,
 21 74:5, 9, 10, 16,
 23
offers 51:13
OFFICE 1:1 94:11
oil 10:16 12:6
 18:3
oils 8:4
Okay 13:25 90:5,
 12 91:15
olive 12:6
Omega 11:25 12:2
Once 25:4
online 21:19 65:13
operating 7:16
opportunity 55:3
 71:1 72:18
Opposer 1:1, 1
Opposition 1:1
 94:8 95:6 96:1
Oprah's 15:8
Organic 5:8 8:13
 15:17 28:13 56:1
Original 9:22 12:5,
 14 94:19, 20 95:6,
 15, 18
originally 24:24
 96:1
outlets 68:15 70:6
Outline 4:4 29:10
overall 78:9
overseeing 7:13
overview 7:25
owned 72:10

< P >

P.B 23:6, 7, 8, 11,
 14, 17
P.C 1:1
pack 14:7
packaging 11:5
 13:8
packet 14:8
packs 14:6, 11, 21,
 24 15:5
PAGE 2:12 3:12,
 14 5:16, 18 17:19
 21:25 22:19, 20, 21
 23:5 25:17 28:1
 52:5, 6 66:3 68:7
 94:13, 13, 15, 15, 19
 95:13 96:1
PAGES 2:16, 18, 18,
 19, 19 27:4, 5, 14
 95:17
Pamela 2:6 93:4,
 22
participate 54:5
 65:8
participated 55:23
 56:5
participation 56:3
particular 22:15
 55:25
particularly 74:13
parties 93:15
pass 53:13
passionate 54:9
pasta 26:24
PATENT 1:1
pay 56:7
PB 19:3 77:11
PCC 15:16
peanut 3:7, 9 9:10
 12:22, 24 13:2, 5, 9,
 21, 23 14:4, 8, 12,
 16, 18, 21 15:4, 6, 7,
 7 19:3 23:9 52:8
 64:13, 14, 17 70:14
people 15:9 20:6
 24:24 52:13, 15
 54:8 63:13 68:23
 69:6, 13 70:13, 17,
 20 71:7, 12, 15, 18
 83:24 84:5
percent 84:4, 5
percentage 83:16
 84:2
personal 27:9
personally 72:13
photo 70:9
photograph 25:15
 75:8
photos 70:10

Picture 3:7, 15, 15,
 18 5:21, 23 13:20,
 23 14:2 19:22
 20:25 22:2, 4, 5
 23:5 24:8 25:23
 26:1 51:23 55:21
pictured 12:10
pictures 53:1
 70:13
Pinterest 70:9, 19,
 20
PJH 92:17
place 93:10
planning 7:3, 3
plans 25:2
Plant 4:10
plant-based 21:20,
 23 22:12 27:22, 24
 65:14
platforms 69:1
 70:10 71:5
Please 6:7 11:12
 13:15 17:12 19:17
 20:21 24:4 25:10
 26:12 29:5 51:19
 52:22 55:17 56:10
 63:4 64:2 65:1
 67:8 75:5 94:9, 19
point 78:15
pop 77:11
popcorn 3:15 5:21
 19:4, 8, 11, 23 20:1,
 3, 7, 9, 16 23:9, 10
 75:9, 12, 16, 17, 20,
 21 77:11, 19
popcorns 19:3
Popps 23:6, 7, 8, 12,
 14, 17
pops 19:3 77:20
portion 29:21
 32:17 56:12 78:18
 85:7
position 29:12
 74:3
positive 71:9 73:7
possible 73:14
post 22:6, 8, 15
 54:19, 20 68:21, 21
 69:10, 12, 25
posted 65:23
posting 23:1 54:6
 68:9 69:17, 20
 70:2, 18
posts 65:20 69:3,
 3, 5
PR 7:1, 10 55:7
preparation 27:10
prepare 53:5

prepared 51:25
53:3
prepares 53:3
presence 68:16
69:22
Presentation 4:2,
13 26:18 27:14
presentations 27:17
press 54:15 55:8
pretty 70:10, 17
previous 93:6
price 84:15, 25
priced 84:13
pricing 84:19
primarily 20:11
32:13
Primozich 3:21
Principal 3:2
print 52:11 64:7
prior 72:24
probably 64:7
problem 64:12
Procedure 2:2
product 3:12 6:25
8:13 10:21 12:5
14:15 17:19 18:21
20:3 21:21 22:22
24:24 26:5 51:3,
24 52:2, 7 53:9
54:3, 5, 14, 16, 18
55:8 64:13 65:19,
20 71:10 76:15
77:11, 11, 12 84:6
88:2, 5, 11, 15, 17,
21, 24
product-focused
22:15
Production 11:13
13:16 17:13 19:18
20:22 24:5 25:11
26:13 29:6 51:20
52:23 55:18 63:5
64:3 65:2 67:9
75:6 77:12
Products 3:2 4:4
5:5, 6 8:14, 16, 21,
24 9:3, 4, 5, 7, 17
10:11 11:7, 23, 24
12:7, 10 13:9
15:4, 17, 22 18:18
21:24 22:5, 9, 16,
18, 23 23:1 28:4, 8,
18, 24 29:10, 14
32:2, 6, 8 51:4, 5
52:3, 15 53:10, 12
55:3 56:8 63:16,
21 65:17 66:9, 9,
25 70:12, 14 71:20,
21 72:14, 19 73:8,

20, 21 74:4, 5, 9, 10,
16, 17, 23, 24 76:3
77:19 83:12 84:16
89:14, 14
product-specific
28:9
Professional 2:7
93:5
prominently 12:2
promote 9:3
26:20 54:20 55:3,
5 63:9, 20 65:16
68:1, 18 70:7
promoted 66:8
promoting 5:13
63:16 64:20 65:5
provide 21:20
PTO 2:1
Public 2:7 92:10
93:6 94:20
publication 64:10
publications 64:21
puff 21:3 77:11
puffs 3:17 19:3
21:1, 2, 5, 6, 9
77:19
pull 77:23 78:14
83:1 88:2
purchase 63:13
84:6, 9
purchasers 83:23
purpose 8:12
14:14 25:20
purposes 11:17
Pursuant 2:1
95:15
put 26:18 27:12
69:6, 14
putting 69:7

< Q >
QUARLES 1:1
quarter 91:2
questions 71:10
73:16 76:24 77:8
90:10, 13 91:11, 14,
21
quick 90:13

< R >
range 85:1
ranging 12:5
reach 54:2
read 71:11 92:2
94:11, 11, 13 96:1
reading 9:1 94:9
95:15
ready 94:9
realize 25:4

really 7:5 8:3, 12
9:22 14:12, 16
15:9 20:6, 8 21:22
23:25 24:25 52:12
53:14, 15 54:8, 22
55:11 65:7 68:25
73:5
REASON 96:1
received 15:5 20:3
Recess 77:3
recipe 5:18 66:19
67:3, 4, 17, 18, 21
70:19
recipes 21:21
65:18, 18 66:5, 6,
10 67:15, 20, 23
68:22 70:21, 24
recognize 17:16
record 76:25 90:9
91:12 92:4 94:21
reduced 93:11
refer 7:19 15:12,
18 72:2
REFERENCE 3:1
4:1 5:1
referenced 53:23
referencing 66:5
referred 10:20
73:24 90:2
referring 15:19
24:11 32:13 54:25
66:6, 22
refers 89:23 91:4
reflect 11:18 19:24
reflection 64:15
regarding 77:10
83:2
Register 3:2 10:8
Registered 2:6
3:4 93:5
registration 3:7, 10,
10 10:9, 12 12:21
16:4, 21
registrations 10:1
regular 15:6
regularly 22:8
54:1 68:11
reiterated 72:6
relate 28:8
related 6:24 7:5
8:11 22:11 83:7
91:14 93:14
relations 9:2 71:8
relationship 53:25
54:11, 22
relationships 54:4
release 54:15 55:8
repeat 83:23 84:6

rephrase 78:7
83:10
Reporter 2:7 10:5
11:10 12:18 13:13
16:1, 18 17:10
19:15 20:19 21:13
24:2 25:8 26:10
29:3 51:17 52:20
55:15 63:2, 25
64:24 65:25 66:15
67:6 75:3 76:5
93:5
reporters 55:1
REPORTER'S 93:2
REPORTING 94:1,
21 95:1, 20
reports 9:2 71:7,
11 73:25 74:2
requested 95:15
Research 5:2
83:15
respect 53:22
68:17 69:23 71:20
responsibilities
6:22 7:7, 12
responsible 6:23
7:10
result 93:17
retailers 8:8 64:11
returned 94:20
review 9:19 53:10
54:14, 19 74:2
reviews 22:11 54:5
Right 5:16 54:2, 6
65:12, 17 66:4, 11
67:19, 23 68:23
70:3, 23 77:25
Right.com 3:18
5:18 21:17, 18
65:11 66:20
RMR 93:22
role 7:12 70:25
row 17:21
RPR 93:22
Rule 95:15
Rules 2:1
running 22:10

< S >
Safeway 15:21
sale 13:2, 5 16:10,
14 18:23 27:6
89:2, 10
sales 4:6, 9 26:18
27:16 28:3 29:14
83:11, 16, 17, 18
88:11, 23
salted 5:22

<p>salty 19:2 23:8 sandwich 70:15 saw 25:22 76:14 90:17, 20 saying 71:12 Schroeder 1:1, 1 2:14 77:2, 5 78:15 83:1 85:4 88:1 90:5, 10 91:19 Screen 3:12, 18 5:16, 16, 18 17:19 21:16 66:3, 18 67:12 Seal 92:17 sealed 95:18 searches 70:23 seasoning 26:25 second 17:21 22:20, 21 52:6 section 78:16 SECTIONS 2:16 see 23:5 24:25 69:7, 17 71:8 83:18 90:24 seed 5:23 76:8, 10, 13, 18 89:2, 11 90:18 seeing 69:5, 20 seen 74:3 88:2, 15 sell 14:4 17:2 23:20 28:24 83:19 84:11 selling 15:17 16:23 18:10 19:7, 11 21:6, 9 23:11, 14 24:23 sells 8:17, 21 18:25 75:12 76:15 send 52:14 54:15 sending 55:8 sense 71:12 sent 25:23 64:11 SEPARATE 2:16 29:21 32:17 56:12 78:18 85:7 September 93:20 serving 14:9 set 14:1 93:11 Seven-Layer 5:18 66:19 share 27:25 73:15 SHEET 96:1 sheets 92:3 94:13, 15, 19 95:13, 15 shelf 25:16, 23 shoppers 8:7 shopping 76:14 shortening 10:15,</p>	<p>16 12:16 shorthand 93:10 shot 3:12, 18 5:16, 16, 18 17:19 21:16 66:3, 18 67:12 show 24:13 26:2 27:5 83:15, 21 showcase 27:24 28:6 showcasing 22:16 showing 28:3 64:13 69:10 shown 52:9 53:6 75:16 shows 28:1 72:23, 25 73:4 83:24 side 28:10 63:12 sign 94:11, 11, 15 Signature 92:7 93:19 94:13, 13, 15, 15, 19 95:12, 13, 17 96:1, 1 SIGNED 94:19 95:13 significant 78:11 signing 94:9 95:15 similar 56:6 simple 8:14 Simply 5:21, 23 75:9, 16, 19, 25 76:1, 8, 9, 12, 18, 21 90:17 single 51:2 site 3:18 5:16, 20 17:20 21:17, 18 22:7 63:12 66:4 67:13, 14, 18 69:25 77:24 78:3, 10 sites 68:9 SKUs 20:6 small 69:12 Smart 3:7 13:20 74:11, 16, 20, 24 89:23 91:4 snack 10:16 14:13, 21 18:23, 25 23:8, 10, 17, 20, 23 25:1 26:5 28:21 74:13, 16 83:12 89:2, 11 snacks 9:12 18:22 19:2 21:3 23:24 social 7:2, 10 21:19 54:20 65:13, 23 67:25 68:5, 7, 15, 25 70:6 71:5, 16, 19 72:8 Sold 8:7 9:7 10:2 14:9 15:1 17:5 18:18 20:10, 16</p>	<p>23:2 32:3, 7 74:14, 24 84:21, 24 88:6, 8, 18, 21 89:8 solely 7:10 Soopers 15:21 sorry 13:22 14:1 sort 54:7 73:2 source 51:3 soy 3:10, 12 9:11 12:6 16:5, 7, 10, 14 52:8 soy-free 12:6, 8 speak 71:6 speaking 9:1 27:17, 21 specific 28:14 56:8 65:20 70:20 77:17 78:12 specifically 28:12 65:16 spent 69:18 sponsor 69:12, 14 sponsored 69:3 72:22 sponsorship 71:20 spoonful 70:14 Spread 3:4 5:8, 12 8:3 9:22 11:25 12:2, 15, 15 17:24, 25 18:2, 5, 7, 13, 18 27:1 52:8 56:2 63:9 64:14 67:4 spreading 18:7 spreads 9:9, 10 10:21 12:4, 9 17:22, 23, 24 18:11, 14 52:6 64:17 Sprouts 15:15 square 19:5 23:24 squares 3:20 23:22 24:9, 10, 15, 18 25:3 70:16 squeeze 14:6, 7, 10, 21, 24 15:4 ss 93:2 stack 77:24 78:14 stand 84:16 standing 51:8 started 8:2 68:6 starting 28:10 State 2:8 6:7 93:1, 6 STATES 1:1 stats 27:25 Steep 4:12 stick 12:7 sticks 9:10 12:8, 8, 16</p>	<p>store 25:22 26:2, 24 90:22 stores 15:14, 16, 20 16:11 20:9, 13, 14, 15 25:3 32:2, 6 88:8, 21 story 55:13 Street 1:1 93:23 94:1 95:1 Study 5:2 Subject 3:22 submitted 67:1, 3 Subscribed 92:9 96:1 subsidiary 7:16 substitute 11:6 substitutes 10:13, 14, 15, 18, 24 11:2, 20 74:8 suggestions 71:10 Suite 1:1, 1 93:23 94:1, 2, 5 95:1, 2 summarize 52:3 Summary 4:15 support 54:23 supporting 54:23 55:10 Sure 8:2 27:16 77:2 90:8 94:19 swag 54:19 Sweet 18:1, 15 23:8 sworn 6:3 92:9 93:8 96:1 symbiotic 54:22 < T > take 9:19 14:13 63:15 70:13 76:25 84:23 88:13 90:6 taken 2:3 77:3 89:22 93:10 talk 28:7 talking 55:11 65:21 Target 76:14 90:23, 24 targeted 63:13 tastes 20:8 team 9:4 25:21 26:19 27:12 71:8 teams 55:7 teasing 70:1 tell 9:20 84:14 term 51:2, 3, 7 89:18 91:8 testified 6:4 75:11 77:10 83:2 89:19</p>
---	--	--	---

90:17 91:3
testify 89:21 93:8
TESTIMONY 1:1
 2:1 3:1 4:1 5:1
 6:1 7:1 8:1 9:1
 10:1 11:1 12:1
 13:1 14:1 15:1
 16:1 17:1 18:1
 19:1 20:1 21:1
 22:1 23:1 24:1
 25:1 26:1 27:1
 28:1 29:1 32:1
 51:1 52:1 53:1
 54:1 55:1 56:1
 63:1 64:1 65:1
 66:1 67:1 68:1
 69:1 70:1 71:1
 72:1 73:1 74:1
 75:1 76:1 77:1, 9
 78:1 83:1 84:1
 85:1 88:1 89:1
 90:1 91:1 92:1, 5
 93:1 94:1 95:1
 96:1, 1
Thank 77:22
 83:14 84:10 90:5,
 11, 12 91:20 94:21
 95:19
thanking 73:8
thing 14:19
things 15:8 54:7
 55:9
think 10:20 66:12
 75:19 85:1 90:7
Thinking 74:13
third 28:1
three 12:15 56:5
 63:22 71:14 77:19
 90:14
time 7:11 29:17
 70:1, 1 71:2 93:10
tips 21:21 22:11
title 6:18 21:25
 83:6
titled 3:4 18:22
toast 18:7
today 10:24 11:3
 13:2, 6 15:1
 16:11, 15 17:3, 7
 18:18 19:12 21:10
 28:24 76:9 77:9
 84:25 89:17 90:11
today's 7:18
top 68:25 78:5
 83:7
Total 4:18 83:3
 88:10, 23
totally 76:3, 21
Tracking 4:15

Trade 5:13 64:6,
 10 72:23
trade-facing 64:21
TRADEMARK 1:1, 1
 3:2, 2, 7, 10, 10
 8:9, 18, 22 9:8
 10:1, 8, 9, 11, 17, 23
 11:2, 7, 19 12:21,
 23 13:1, 4, 10 14:5
 16:4, 6, 10, 13, 21,
 25 17:3, 6 18:12,
 19, 23 19:1, 9, 12,
 25 21:7 23:3, 12,
 15 24:14 26:7
 27:6 28:19, 22
 29:15 32:7 51:8,
 14 63:17 64:16
 68:2 70:7 71:21
 72:9 74:17, 20, 24
 75:13 76:16 89:19
 91:9
trademarks 28:25
 32:3 71:25
traditional 21:5
 23:24 26:23 27:2
transcript 29:18
 92:2 93:13
treated 91:17
Trends 4:18 27:22
 28:5
TRIAL 1:1 94:18
 95:14
true 92:4 93:13
truth 93:8
try 52:13, 15
 53:11, 16
T-shirt 54:18
turn 27:4 54:23
TV 55:1
Twitter 69:23, 24
 70:5
two 12:7 63:22
 75:24 90:13
type 85:2
types 32:6 66:6
 70:22 73:3
typewritten 93:12
typically 18:4

< U >
U.S 55:23 56:3, 6
Udi's 4:4 29:11
Uh-huh 71:17
 77:14
unique 15:9 17:24
 55:12
UNITED 1:1
Unsigned 95:13, 15
upload 67:24

use 10:23 13:1
 16:9 18:4, 6, 6, 22
 51:2, 7, 10 52:11
 65:18, 22 66:11
 70:6 91:8
user-generated
 67:23
users 71:1 72:13
 73:3, 25 91:7
uses 11:6 13:9
 67:3 68:1, 5, 18
 89:18

< V >
value 53:8
varies 84:20
various 9:25 68:15
Veg 65:7 72:25
vegan 3:15, 15, 18
 4:2 12:7 19:23
 20:25 21:3, 5
 23:22, 24 24:8, 25
 26:20, 21, 22 27:2,
 23 28:5 52:14
 70:21 73:9
veganism 28:2
vegetable 10:16
version 21:5
 23:24 25:1 26:22
 27:2 55:24
versus 84:21
VIDEO 94:1, 21
 95:1, 20
vision 27:18
visiting 25:22
visitors 78:2, 10
VP 83:16
vs 1:1 94:7 95:6
 96:1

< W >
W13 4:18
waived 95:12
Wakefern 20:17
walk 11:23 27:13
 68:14
Wal-Mart 32:13
Wanderlust 72:21
want 27:23 68:24
wants 14:17
way 18:6 21:22,
 23 22:13 52:12, 15
 53:16, 18, 20 55:4
 56:6 69:3
ways 65:21
web 3:14, 18 5:16,
 20 17:20 21:17, 18
 22:7 63:12 66:4

67:13, 14, 18
Wednesday 2:3
well 15:6, 10, 24
 20:5 23:25 24:18
 28:5 53:5 54:21
 55:24 70:8
wellness 28:7
 63:14
well-received 15:10
went 7:11
we're 24:23 54:3,
 6, 23 55:10 70:8
 90:7 91:12
we've 63:23
whereof 93:18
white 3:15, 17
 19:23 20:7, 25
 21:4, 5
wide 15:23
Wilbert 1:1 2:13
 6:6 9:14 10:5
 11:10 12:18 13:13
 16:1, 18 17:10
 19:15 20:19 21:13
 24:2 25:8 26:10
 29:3, 17 32:1, 14
 51:1, 17 52:20
 55:15 56:9 63:2,
 25 64:24 65:25
 66:15 67:6 75:3
 76:5, 24 90:8, 13,
 16 91:11, 20 94:5
 95:6
win 65:9
wine 72:20
Wisconsin 1:1, 1
 94:5, 6
wishes 96:1
witness 93:18
words 76:1, 2, 23
work 6:25 7:2
 54:1 68:11
worked 27:11
 67:21
Working 8:23 9:3,
 4
works 22:7
write 53:9 54:5,
 14 55:13

< X >
XXX 94:11, 17
 95:15

< Y >
yeah 7:5 22:8
 73:5
Year 4:22 9:18
 19:6 23:23 63:23

72:20, 24 78:12
89:22 91:1, 2
years 8:24 56:5
63:22 64:22
Yoga 72:21
York 1:1
you.com 67:19

< Z >

zero 28:10

Products Offered in connection with EARTH BALANCE trademark

¹⁹⁹⁸
Original Buttery Spread 15 oz., ~~2002~~
Original Buttery Spread 45 oz., 2004
Organic Whipped Buttery Spread, 2006
Soy Garden Buttery Spread, 2007
Olive Oil Buttery Spread, 2006
Soy Free Spread 15 oz., 2009
Buttery Sticks, 2004
Shortening Sticks, 2004
Peanut Butter (Creamy & Crunchy), 2008
Coconut & Peanut Spread (Creamy & Crunchy), 2012
Organic Original Soymilk, 2010
Organic Vanilla Soymilk, 2010
Organic Chocolate Soymilk, 2010
Organic Unsweetened Soymilk, 2010
Organic Coconut Spread 10 oz, 2011
Organic Sweet Cinnamon Spread 10 oz, 2012
Organic Garlic & Herbs Spread 10 oz, 2012
Original MindfulMayo® Dressing & Sandwich Spread 16 oz, 2011
Extra Virgin Olive Oil MindfulMayo® Dressing & Sandwich Spread,
2011
Organic MindfulMayo® Dressing & Sandwich Spread, 2011
Vegan Buttery Flavor Popcorn, 2013
Vegan Aged White Cheddar Flavor Popcorn, 2013
Vegan Aged White Cheddar Flavor Puffs, 2013
P.B. Pops, 2013
'Tis the Season Pops, 2013
Vegan Sea Salt Flavor Kettle Chips, 2013
Vegan Cheddar Flavor Kettle Chips, 2013
Vegan Sour Cream & Onion Flavor Kettle Chips, 2013
Creamy Peanut Butter Squeeze Pack, 2014
Creamy Coconut & Peanut Spread Squeeze Pack, 2013
26 oz. Creamy Peanut Butter, 2013
Vegan Cheddar Flavor Mac & Cheese, 2014
Vegan White Cheddar Flavor Mac & Cheese, 2014
Vegan Cheddar Flavor Squares, 2014

Int. Cl.: 29

Prior U.S. Cl.: 46

Reg. No. 2,237,867

United States Patent and Trademark Office

Registered Apr. 6, 1999

**TRADEMARK
PRINCIPAL REGISTER**

EARTH BALANCE

GFA BRANDS, INC. (OHIO CORPORATION)
211 KNICKERBOCKER ROAD, P. O. BOX 397
CRESSKILL, NJ 076260397

FOR: BUTTER SUBSTITUTES, CHEESE,
LOWFAT AND NONFAT CHEESE SUBSTI-
TUTES, MARGARINE LOWFAT AND NONFAT
MARGARINE SUBSTITUTES, SHORTENING,
LOWFAT AND NONFAT SHORTENING,

SNACK FOOD DIPS AND VEGETABLE OILS,
IN CLASS 29 (U.S. CL. 46).
FIRST USE 2-0-1998; IN COMMERCE
2-0-1998.

SN 75-978,107, FILED 6-26-1996.

MONTIA O. GIVENS, EXAMINING ATTOR-
NEY

Applicant's
EXHIBIT **17**

BBC vs. GFA
AGREN BLANDO REPORTING

SPREAD DELICIOUSNESS



Applicant's
EXHIBIT 18
3BC vs. GFA
AGREN BLANDO REPORTING

United States of America

United States Patent and Trademark Office

EARTH BALANCE

Reg. No. 3,708,400 GFA BRANDS, INC. (WISCONSIN CORPORATION)
Registered Nov. 10, 2009 SUITE 260
115 WEST CENTURY RD.
PARAMUS, NJ 07652

Int. Cl.: 29

FOR: PEANUT BUTTER, IN CLASS 29 (U.S. CL. 46).

**TRADEMARK
PRINCIPAL REGISTER**

FIRST USE 9-0-2008; IN COMMERCE 9-0-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,237,867 AND 3,648,468.

SER. NO. 77-716,694, FILED 4-17-2009.

BRIDGETT SMITH, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

Applicants
EXHIBIT **19**
BBC vs. GFA
AGREN BLANDO REPORTING



Applicant's
EXHIBIT **20**
BBC vs. GFA
AGREN BLANDO REPORTING

United States of America

United States Patent and Trademark Office

EARTH BALANCE

Reg. No. 3,967,828

Registered May 24, 2011

Int. Cl.: 29

TRADEMARK

PRINCIPAL REGISTER

GFA BRANDS, INC. (DELAWARE CORPORATION)
115 W. CENTURY RD. SUITE 260
PARAMUS, NJ 07652

FOR: SOY MILK, IN CLASS 29 (U.S. CL. 46).

FIRST USE 7-29-2010; IN COMMERCE 7-29-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,648,468 AND 3,708,400.

SN 85-056,965, FILED 6-8-2010.

JENNIFER VASQUEZ, EXAMINING ATTORNEY



David J. Kyvas

Director of the United States Patent and Trademark Office

Applicant's
EXHIBIT **21**
BBC vs. GFA
AGREN BLANDO REPORTING

United States of America
United States Patent and Trademark Office

EARTH BALANCE

Reg. No. 4,029,650

Registered Sep. 20, 2011

Int. Cl.: 30

TRADEMARK

PRINCIPAL REGISTER

GFA BRANDS, INC. (DELAWARE CORPORATION)
115 W. CENTURY RD. SUITE 260
PARAMUS, NJ 07652

FOR: MAYONNAISE; SOY MAYONNAISE, IN CLASS 30 (U.S. CL. 46).

FIRST USE 5-0-2011; IN COMMERCE 5-0-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,648,468 AND 3,708,400.

SN 85-056,989, FILED 6-8-2010.

JENNIFER VASQUEZ, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

Applicant's
EXHIBIT **22**
BBC vs. GFA
AGREN BLANDO REPORTING

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NEWS & EVENTS | FAQs | ABOUT US | CONTACT | NEWSLETTER SIGN-UP

Products | Kitchen Tips | Wellness | Recipes | Responsibility | Community

Goodness Comes From Within.

All of our products are plant-based, vegan, made without artificial ingredients or hydrogenated oils, and are free of gluten, lactose and eggs.



Spreads



Soy milk



Dressings



Baking Sticks



Nut Butters



Culinary Spreads



Snacks



Food Service

Newsletter Sign-up 

VISIT MADE JUST RIGHT 
Share Recipes, get tasty ideas, and much more.

Store Finder 



Applicant's
EXHIBIT 23
BBC vs. GFA
AGREN BLANDO REPORTING



Applicant's
EXHIBIT 24
BBC v. GFA
AGREN BLANDO REPORTING

GFA_EB002354



Applicant's
EXHIBIT 25
BBC vs. GFA
AGREN BLANDO REPORTING

Meet the Earth Balance Family | Made Just Right by Earth Balance

made just right by earth balance

News > Vegan Recipes > Living > Submit a Recipe > Contest >

Vegan Cookbook Extravaganza
Enter to Win!

GET THE NEWSLETTER
VEGAN NEWS, COUPONS, RECIPES AND MORE

SIGN UP!

Meet the Earth Balance Family

Written by Made Just Right Team on July 22, 2014 · 2 Comments

Tags: [earth balance](#), [earth balance family](#), [earth balance products](#), [plantbased](#), [vegan](#)

100



Meet the Earth Balance® Family

Recipe Search

Search...

Follow us



on Pinterest

Applicant's
EXHIBIT *2b*
BBC vs. GFA
AGREN BLANDO REPORTING

Did you know that Earth Balance makes not one, not four, but 37 delicious, GMO-free, perfectly plant-based products? That's right...we've evolved from buttery spreads to an entire suite of sweet and savory options to make your mouth water and put a smile on your face. Meet the Earth Balance family!

Buttery Spreads: Toast is just the beginning. Spread the love with [Earth Balance® Original Buttery Spread](#), [Earth Balance® Soy Free Olive Oil Buttery Spread](#), [Earth Balance® Soy Free Buttery Spread](#), [Earth Balance® Soy Garden Buttery Spread](#), and [Earth Balance® Whipped Organic Buttery Spread](#).

Soymilk: Try these smooth sensations for baking, sipping, or just plain gulping! You'll love [Earth Balance® Organic Original Soymilk](#), [Earth Balance® Organic Unsweetened Soymilk](#), [Earth Balance® Organic Vanilla Soymilk](#), and [Earth Balance® Organic Chocolate Soymilk](#).

Dressings: Sandwich? Salad? You've got to try [Earth Balance® MindfulMayo® Dressing and Sandwich Spread](#), [Earth Balance® Organic MindfulMayo® Dressing and Sandwich Spread](#), and [Earth Balance® Olive Oil MindfulMayo® Dressing and Sandwich Spread](#).

Baking Sticks: Earth Balance flavor in stick form is perfect for all of your baking needs! Check out [Earth Balance® Shortening Sticks](#), [Earth Balance® Vegan Buttery Sticks](#), and [Earth Balance® Soy Free Buttery Sticks](#).

Nut Butters: There's so much nutty flavor to go around! Peanut butter enthusiasts will adore [Earth Balance® Crunchy Peanut Butter](#) or [Earth Balance® Creamy Peanut Butter](#). Coconut lovers have their own choice: [Earth Balance® Crunchy Coconut and Peanut Spread](#) and [Earth Balance® Creamy Coconut and Peanut Spread](#). And anyone who's ever taken to the road will adore new [Earth Balance® Creamy Peanut Butter Squeeze Packs](#) and [Earth Balance® Creamy Coconut & Peanut Spread Squeeze Packs](#).

Culinary Spreads: These spreadable all-stars are packed with flavor! Try [Earth Balance® Organic Coconut Spread](#), [Earth Balance® Organic Sweet Cinnamon Spread](#), and [Earth Balance® Organic Garlic & Herbs Spread](#).

Snacks: If you're hungry, you're in luck. Eat Earth Balance by the bag or box with nomworthy snacks that will become your new favorites! Enjoy our popcorn ([Earth Balance® Vegan Buttery Flavor Popcorn](#) and [Earth Balance® Vegan Aged White Cheddar Flavor Popcorn](#)) puffs ([Earth Balance® Vegan Aged White Cheddar Flavor Puffs](#)), kettle chips ([Earth Balance® Sea Salt Kettle Chips](#), [Earth Balance® Vegan Sour Cream & Onion Flavor Kettle Chips](#), and [Earth Balance® Vegan Cheddar Flavor Kettle Chips](#)), and crackers ([Earth Balance® Vegan Cheddar Flavor Squares](#)).

Mac & Cheese: Meet our newest addition...creamy, comforting goodness in a bowl! You'll love new [Earth Balance® Vegan Cheddar Flavor Mac & Cheese](#) and [Earth Balance® Vegan White Cheddar Flavor Mac & Cheese](#).

Rating: 0.0/5 (0 votes cast)

Subscribe to Our Newsletter!

Subscribe

Related Posts



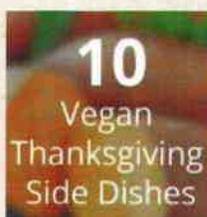
Medicine From the Sea: The Benefits of Sea Vegetables



8 Tips for Great-Tasting Smoothies



Announcing the First Winning Pie Recipe...



10 Thanksgiving Side Dishes

100

Categories: [Earth Balance](#), [Earth Balance Products](#), [Newsworthy](#), [Non-GMO](#), [Plant-Based Diet](#), [Uncategorized](#), [Vegan](#) - Tags: [earth balance](#), [earth balance family](#), [earth balance products](#), [plantbased](#), [vegan](#)

SPREAD THE NEWS

2 Responses to "Meet the Earth Balance Family"

Read below or [add a comment...](#)

maile says:

July 24, 2014 at 7:20 pm

Hi!

love it that you have a vegan mac and cheese!!! unfortunately, we are also gluten free. any plans for a GF, DF mac and cheese in the future?? Would love to see that.

Thanks for your fabulous products!

Rating: 0.0/5 (0 votes cast)

[Reply](#)

Katie says:

September 17, 2014 at 7:18 am

I haven't been able to find the white cheddar puffs at either of my local carriers! Is it possible that my stores have stopped carrying them?

Rating: 0.0/5 (0 votes cast)

[Reply](#)

Leave A Comment..

Name *

Email *

Website



objects

[Privacy & Terms](#)



[Subscribe to notifications for this topic.](#)

[News](#)

[Newsworthy](#)
[Trailblazers](#)

[Vegan Recipes](#)

[Living](#)

[Lifestyle](#)
[Books](#)
[Veggie Kids](#)
[Sustainability](#)
[Non-GMO](#)

[Products](#)

[Contest](#)

[About](#)



[Home](#) | [About](#) | [FAQ](#) | [RSS](#) | [Privacy Policy](#) | [Terms of Service](#) | [Contact](#) | [Help](#)

Made in USA | ©2014 GFA Brands, Inc.



Applicant's
EXHIBIT **27**
BBC vs. GFA
AGREN BLANDO REPORTING

GFA_EB002361

Opposition No. 91212477
BALANCE BAR COMPANY v. GFA BRANDS, INC.
Offered by Applicant GFA Brands, Inc.

From: Henry Hughes <hhughes@boulderbrands.com>
Sent: Wednesday, May 7, 2014 9:56 AM
To: Duane Primozich <duane@Boulderbrands.com>; Steve Hughes <shughes@boulderbrands.com>; Adriane Little <alittle@boulderbrands.com>
Cc: Jason Berry <JBerry@Boulderbrands.com>; Katie Kirwan <kkirwan@Boulderbrands.com>
Subject: Kettle Chips are looking good in Atlanta!
Attach: image.jpeg



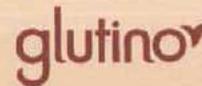


Earth Balance Vegan Mac & Cheese



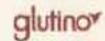
US Grocery & Mass

June 2014



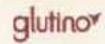
Boulder Brands Redefines Food & Nutrition

REDACTED



This Presentation and the information contained herein are confidential

REDACTED

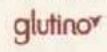


This Presentation and the information contained herein are confidential

Source: PCRM.org

REDACTED

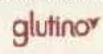
REDACTED



This Presentation and the information contained herein are confidential

Source: Nielsen
XAOC, through 4.12.14

REDACTED



This Presentation and the information contained herein are confidential

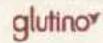
Source: Nielsen, XAOC, through 12.21.13
www.fda.gov



This Presentation and the information contained herein are confidential

Source: Nielsen, data through 12/21/2013

REDACTED

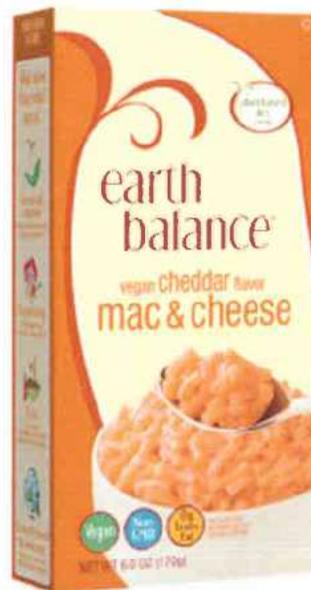
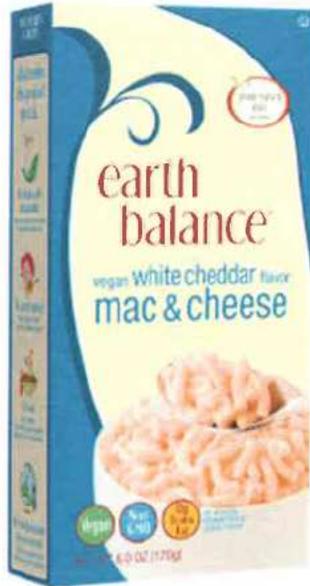


This Presentation and the information contained herein are confidential

Source: Nielsen Scanning, XAOC
Data Through 4/12/14

Introducing...

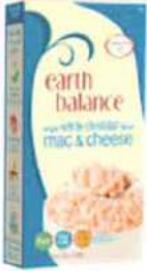
Earth Balance Vegan Mac & Cheese 6oz!

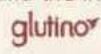


- ♥ Dairy-Free version of the beloved macaroni & cheese
- ♥ Available in two flavors
 - ♥ Vegan Cheddar flavor
 - ♥ Vegan White Cheddar flavor
- ♥ Vegan, 100% Plant-Based
- ♥ Non-GMO
- ♥ 0g Trans Fat
- ♥ Kosher
- ♥ Environmentally friendly packaging, made with 100% recycled materials



Earth Balance Provides A Vegan Alternative In The Natural Mac & Cheese Category

		
Non-GMO	✓	✓
Vegan	✓	✗
Kosher	✓	✗
Calories / Svg	260	270
Trans Fat	0g	0g
Sat Fat	0g	2.5g
Sugars	2g	5g
Sodium	550mg	500mg
Protein	8g	10g



This Presentation and the information contained herein are confidential



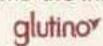
Why Support Earth Balance



REDACTED

- **Earth Balance Products are unique:**

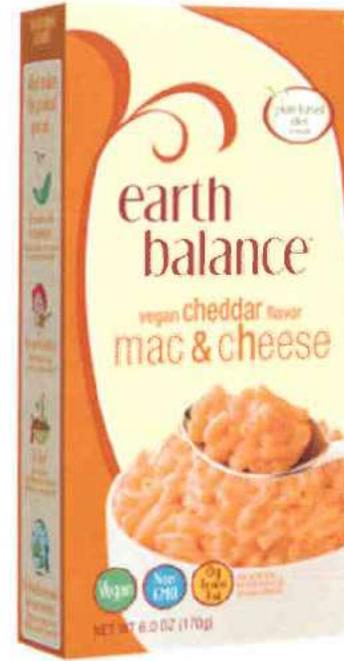
- ♥ Non-GMO
- ♥ Vegan/plant-based
- ♥ Lactose-free
- ♥ No trans fats



This Presentation and the information contained herein are confidential

Earth Balance Vegan Cheddar Flavor Mac & Cheese 6oz

Product Specs/Info.	
Product UPC	003377608050
Case GTIN #	10033776080508
Pack/Size	12/6oz
Case Gross Weight	5.200
Case Net Weight	4.500
Case Cube	0.321
Dimensions - Case (LxWxH)	9.375L x 7.625W x 7.750H
Dimensions - Prod. (LxWxH)	3.4375L x 1.406W x 6.9375H
Pallet Configuration	26ti x 6hi =156 cases
Shelf Life	365
List Price	REDACTED
SRP	



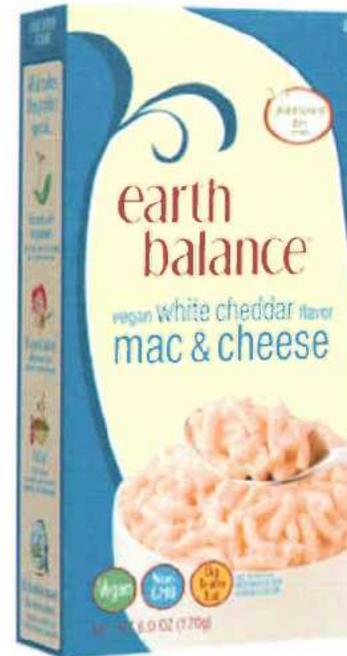
- ♥ Dairy-Free version of the beloved macaroni & cheese
- ♥ Vegan, 100% Plant-Based
- ♥ Non-GMO
- ♥ 0g Trans Fat
- ♥ Kosher
- ♥ Environmentally friendly packaging, made with 100% recycled materials



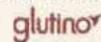
This Presentation and the information contained herein are confidential

Earth Balance Vegan White Cheddar Flavor Mac & Cheese 6oz

Product Specs/Info.	
Product UPC	003377608052
Case GTIN #	10033776080522
Pack/Size	12/6oz
Case Gross Weight	5.200
Case Net Weight	4.500
Case Cube	0.321
Dimensions – Case (LxWxH)	9.375L x 7.625W x 7.750H
Dimensions – Prod. (LxWxH)	3.4375L x 1.406W x6.9375H
Pallet Configuration	26ti x 6hi =156 cases
Shelf Life	365
List Price	REDACTED
SRP	



- ♥ Dairy-Free version of the beloved macaroni & cheese
- ♥ Vegan, 100% Plant-Based
- ♥ Non-GMO
- ♥ 0g Trans Fat
- ♥ Kosher
- ♥ Environmentally friendly packaging, made with 100% recycled materials



This Presentation and the information contained herein are confidential

Opposition No. 91212477
 BALANCE BAR COMPANY v. GFA BRANDS, INC.
 Offered by Applicant GFA Brands, Inc.

Product	Picture	Approximate Date of First Sale
Udi's Gluten Free Cranberry Almond Granola Bars		December 2012
Udi's Gluten Free Ancient Grain Granola Bars		December 2012
Udi's Gluten Free Chocolate Chip Granola Bars		December 2012
Glutino Apple Breakfast Bars		September 2012
Glutino Blueberry Breakfast Bars		September 2012
Glutino Cherry Breakfast Bars		September 2012
Glutino Strawberry Breakfast Bars		September 2012

Applicant's
EXHIBIT 30
 BBC vs. GFA
 AGREN BLANDO REPORTING

<p style="text-align: center;">Glutino Chocolate & Peanut Organic Bars</p>		<p style="text-align: center;">September 2012</p>
<p style="text-align: center;">Glutino Chocolate and Banana Organic Bars</p>		<p style="text-align: center;">September 2012</p>
<p style="text-align: center;">Glutino Wildberry Organic Bars</p>		<p style="text-align: center;">September 2012</p>

Opposition No. 91212477
 BALANCE BAR COMPANY v. GFA BRANDS, INC.
 Offered by Applicant GFA Brands, Inc.

	A	B	C	D	E	F	G
1	CUBE:	CXMD:PL Analysis					
2	CXMD:Currency	Reporting Currency					
3	CXMD:Companies	Total Company					
4	CXMD:Sources	All Sources					
5	CXMD:Divisions	Total Divisions					
6	CXMD:Warehouses	All Warehouses					
7	CXMD:Customers	All Customers					
8	CXMD:Analytics Measures	Total Amount					
9							
10							
11				Actual - Analytics FY2011	Actual - Analytics FY2012	Actual - Analytics FY2013	LE-1 FY2014
12							
13	BR - 02 EARTH BALANCE	Gross Sales					
14	BRTYPE - 03 Earth Balance Spreads	Gross Sales					
15	BRTYPE - 05 Earth Balance Nut Butter	Gross Sales					
16	BRTYPE - 29 Earth Balance Soy Milk	Gross Sales					
17	BRTYPE - 31 Earth Balance Mayonnaise	Gross Sales					
18	BRTYPE - 53 EB Puffs & Popcorn Snacks	Gross Sales					
19	BRTYPE - 63 EB Kettle Chips	Gross Sales					
20	BRTYPE - 71 Earth Balance Crackers	Gross Sales					
21	BRTYPE - 89 Earth Balance Pasta	Gross Sales					

REDACTED

Applicant's
 EXHIBIT **31**
BBC vs. GFA
 AGREN BLANDO REPORTING

Opposition No. 91212477
 BALANCE BAR COMPANY v. GFA BRANDS, INC.
 Offered by Applicant GFA Brands, Inc.

	A	B	C	D	E	F	G	H
1	CUBE:	CXMD:PL Analysis						
2	CXMD:Currency	Reporting Currency						
3	CXMD:Companies	Total Company						
4	CXMD:Sources	All Sources						
5	CXMD:Divisions	Total Divisions						
6	CXMD:Warehouses	All Warehouses						
7	CXMD:Analytics Measures	Total Amount						
8								
9								
10				Actual - Analytics	Actual - Analytics	Actual - Analytics	LE-1	
11				FY2011	FY2012	FY2013	FY2014	
12	All Customers	BR - 02 EARTH BALANCE	Gross Sales					
13	REDACTED	BR - 02 EARTH BALANCE	Gross Sales					REDACTED
14		BR - 02 EARTH BALANCE	Gross Sales					
15		BR - 02 EARTH BALANCE	Gross Sales					
16		BR - 02 EARTH BALANCE	Gross Sales					
17		BR - 02 EARTH BALANCE	Gross Sales					
18		BR - 02 EARTH BALANCE	Gross Sales					
19		BR - 02 EARTH BALANCE	Gross Sales					
20		BR - 02 EARTH BALANCE	Gross Sales					
21		BR - 02 EARTH BALANCE	Gross Sales					
22		BR - 02 EARTH BALANCE	Gross Sales					
23		BR - 02 EARTH BALANCE	Gross Sales					
24		BR - 02 EARTH BALANCE	Gross Sales					
25		BR - 02 EARTH BALANCE	Gross Sales					
26		BR - 02 EARTH BALANCE	Gross Sales					
27		BR - 02 EARTH BALANCE	Gross Sales					
28		BR - 02 EARTH BALANCE	Gross Sales					
29		BR - 02 EARTH BALANCE	Gross Sales					
30		BR - 02 EARTH BALANCE	Gross Sales					
31		BR - 02 EARTH BALANCE	Gross Sales					
32		BR - 02 EARTH BALANCE	Gross Sales					
33		BR - 02 EARTH BALANCE	Gross Sales					
34		BR - 02 EARTH BALANCE	Gross Sales					
35		BR - 02 EARTH BALANCE	Gross Sales					
36		BR - 02 EARTH BALANCE	Gross Sales					
37		BR - 02 EARTH BALANCE	Gross Sales					
38		BR - 02 EARTH BALANCE	Gross Sales					
39		BR - 02 EARTH BALANCE	Gross Sales					
40		BR - 02 EARTH BALANCE	Gross Sales					
41		BR - 02 EARTH BALANCE	Gross Sales					

Applicant's
EXHIBIT 32
BBC vs. GFA
 AGREN BLANDO REPORTING

CONFIDENTIAL - ATTORNEYS EYES ONLY

GFA_EB002499

	A	B	C	D	E	F	G	H
42	REDACTED	BR - 02 EARTH BALANCE	Gross Sales	REDACTED				
43		BR - 02 EARTH BALANCE	Gross Sales					
44		BR - 02 EARTH BALANCE	Gross Sales					
45		BR - 02 EARTH BALANCE	Gross Sales					
46		BR - 02 EARTH BALANCE	Gross Sales					
47		BR - 02 EARTH BALANCE	Gross Sales					
48		BR - 02 EARTH BALANCE	Gross Sales					
49		BR - 02 EARTH BALANCE	Gross Sales					
50		BR - 02 EARTH BALANCE	Gross Sales					
51		BR - 02 EARTH BALANCE	Gross Sales					
52		BR - 02 EARTH BALANCE	Gross Sales					
53		BR - 02 EARTH BALANCE	Gross Sales					
54		BR - 02 EARTH BALANCE	Gross Sales					
55		BR - 02 EARTH BALANCE	Gross Sales					
56		BR - 02 EARTH BALANCE	Gross Sales					
57		BR - 02 EARTH BALANCE	Gross Sales					
58		BR - 02 EARTH BALANCE	Gross Sales					
59		BR - 02 EARTH BALANCE	Gross Sales					
60		BR - 02 EARTH BALANCE	Gross Sales					
61		BR - 02 EARTH BALANCE	Gross Sales					
62		BR - 02 EARTH BALANCE	Gross Sales					
63		BR - 02 EARTH BALANCE	Gross Sales					
64		BR - 02 EARTH BALANCE	Gross Sales					
65		BR - 02 EARTH BALANCE	Gross Sales					
66		BR - 02 EARTH BALANCE	Gross Sales					
67		BR - 02 EARTH BALANCE	Gross Sales					
68	BR - 02 EARTH BALANCE	Gross Sales						
69	BR - 02 EARTH BALANCE	Gross Sales						
70	BR - 02 EARTH BALANCE	Gross Sales						
71	BR - 02 EARTH BALANCE	Gross Sales						
72	BR - 02 EARTH BALANCE	Gross Sales						
73	BR - 02 EARTH BALANCE	Gross Sales						
74	BR - 02 EARTH BALANCE	Gross Sales						
75	BR - 02 EARTH BALANCE	Gross Sales						
76	BR - 02 EARTH BALANCE	Gross Sales						
77	BR - 02 EARTH BALANCE	Gross Sales						
78	BR - 02 EARTH BALANCE	Gross Sales						
79	BR - 02 EARTH BALANCE	Gross Sales						
80	BR - 02 EARTH BALANCE	Gross Sales						
81	BR - 02 EARTH BALANCE	Gross Sales						
82	BR - 02 EARTH BALANCE	Gross Sales						
83	BR - 02 EARTH BALANCE	Gross Sales						

	A	B	C	D	E	F	G	H
84	REDACTED	BR - 02 EARTH BALANCE	Gross Sales	REDACTED				
85		BR - 02 EARTH BALANCE	Gross Sales					
86		BR - 02 EARTH BALANCE	Gross Sales					
87		BR - 02 EARTH BALANCE	Gross Sales					
88		BR - 02 EARTH BALANCE	Gross Sales					
89		BR - 02 EARTH BALANCE	Gross Sales					
90		BR - 02 EARTH BALANCE	Gross Sales					
91		BR - 02 EARTH BALANCE	Gross Sales					
92		BR - 02 EARTH BALANCE	Gross Sales					
93		BR - 02 EARTH BALANCE	Gross Sales					
94		BR - 02 EARTH BALANCE	Gross Sales					
95		BR - 02 EARTH BALANCE	Gross Sales					
96		BR - 02 EARTH BALANCE	Gross Sales					
97		BR - 02 EARTH BALANCE	Gross Sales					
98		BR - 02 EARTH BALANCE	Gross Sales					
99		BR - 02 EARTH BALANCE	Gross Sales					
100		BR - 02 EARTH BALANCE	Gross Sales					
101		BR - 02 EARTH BALANCE	Gross Sales					
102		BR - 02 EARTH BALANCE	Gross Sales					
103		BR - 02 EARTH BALANCE	Gross Sales					
104		BR - 02 EARTH BALANCE	Gross Sales					
105		BR - 02 EARTH BALANCE	Gross Sales					
106		BR - 02 EARTH BALANCE	Gross Sales					
107		BR - 02 EARTH BALANCE	Gross Sales					
108		BR - 02 EARTH BALANCE	Gross Sales					
109	BR - 02 EARTH BALANCE	Gross Sales						
110	BR - 02 EARTH BALANCE	Gross Sales						
111	BR - 02 EARTH BALANCE	Gross Sales						
112	BR - 02 EARTH BALANCE	Gross Sales						
113	BR - 02 EARTH BALANCE	Gross Sales						
114	BR - 02 EARTH BALANCE	Gross Sales						
115	BR - 02 EARTH BALANCE	Gross Sales						
116	BR - 02 EARTH BALANCE	Gross Sales						
117	BR - 02 EARTH BALANCE	Gross Sales						
118	BR - 02 EARTH BALANCE	Gross Sales						
119	BR - 02 EARTH BALANCE	Gross Sales						
120	BR - 02 EARTH BALANCE	Gross Sales						
121	BR - 02 EARTH BALANCE	Gross Sales						
122	BR - 02 EARTH BALANCE	Gross Sales						
123	BR - 02 EARTH BALANCE	Gross Sales						
124	BR - 02 EARTH BALANCE	Gross Sales						
125	BR - 02 EARTH BALANCE	Gross Sales						

	A	B	C	D	E	F	G	H
126	REDACTED	BR - 02 EARTH BALANCE	Gross Sales	REDACTED				
127		BR - 02 EARTH BALANCE	Gross Sales					
128		BR - 02 EARTH BALANCE	Gross Sales					
129		BR - 02 EARTH BALANCE	Gross Sales					
130		BR - 02 EARTH BALANCE	Gross Sales					
131		BR - 02 EARTH BALANCE	Gross Sales					
132		BR - 02 EARTH BALANCE	Gross Sales					
133		BR - 02 EARTH BALANCE	Gross Sales					
134		BR - 02 EARTH BALANCE	Gross Sales					
135		BR - 02 EARTH BALANCE	Gross Sales					
136		BR - 02 EARTH BALANCE	Gross Sales					
137		BR - 02 EARTH BALANCE	Gross Sales					
138		BR - 02 EARTH BALANCE	Gross Sales					
139		BR - 02 EARTH BALANCE	Gross Sales					
140		BR - 02 EARTH BALANCE	Gross Sales					
141		BR - 02 EARTH BALANCE	Gross Sales					
142		BR - 02 EARTH BALANCE	Gross Sales					
143		BR - 02 EARTH BALANCE	Gross Sales					
144		BR - 02 EARTH BALANCE	Gross Sales					
145		BR - 02 EARTH BALANCE	Gross Sales					
146	BR - 02 EARTH BALANCE	Gross Sales						
147	BR - 02 EARTH BALANCE	Gross Sales						
148	BR - 02 EARTH BALANCE	Gross Sales						
149	BR - 02 EARTH BALANCE	Gross Sales						
150	BR - 02 EARTH BALANCE	Gross Sales						
151	BR - 02 EARTH BALANCE	Gross Sales						
152	BR - 02 EARTH BALANCE	Gross Sales						
153	BR - 02 EARTH BALANCE	Gross Sales						
154	BR - 02 EARTH BALANCE	Gross Sales						
155	BR - 02 EARTH BALANCE	Gross Sales						
156	BR - 02 EARTH BALANCE	Gross Sales						
157	BR - 02 EARTH BALANCE	Gross Sales						
158	BR - 02 EARTH BALANCE	Gross Sales						

REDACTED

EARTH BALANCE GROSS REVENUE \$\$\$ (in millions)

REDACTED

Applicant's
EXHIBIT **33**
3BC v. GFA
AGREN BLANDO REPORTING

Balance



**Earth Balance Baseline
Tracking Summary**
December, 2012
FINAL January 3, 2013

Applicants
EXHIBIT 34
BBC v. GFA
AGREN BLANDO REPORTING

SMART ♥ BALANCE INC.

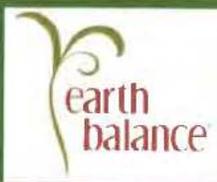
Methodology

REDACTED



Earth Balance Tracking Summary & Implications

REDACTED



Earth Balance Tracking Summary & Implications

REDACTED



Earth Balance Tracking Summary & Implications

REDACTED



Earth Balance Tracking Summary & Implications

REDACTED

SMART ♥ BALANCE INC.

6

CONFIDENTIAL - ATTORNEYS EYES ONLY

GFA_EB001076



Earth Balance Tracking Summary & Implications

REDACTED



Earth Balance Buyers Descriptive

REDACTED

B3: T20, 259-260

SMART  BALANCE INC.

Summary Dec/2012

CONFIDENTIAL - ATTORNEYS EYES ONLY

GFA_EB001078



Overall Earth Balance Awareness

(Base plus Augment)

REDACTED

B1: T20, 260 & B3: T262

Summary Dec/2012

SMART ♥ BALANCE INC.

9

CONFIDENTIAL - ATTORNEYS EYES ONLY

GFA_EB001079



Overall Earth Balance Reported Buyers

(Among Brand Awarers, includes EB Buyer augment)

REDACTED

B3: T262

Summary Dec/2012

SMART  BALANCE INC.

10

CONFIDENTIAL - ATTORNEYS EYES ONLY

GFA_EB001080



Past 12Mo Purchasing: EB Products

Among Brand Awares, includes Augment

REDACTED

SMART ♥ BALANCE INC.

Q21b: Which of the following types of Earth Balance you have bought in the past year. Select all that apply.

Summary Dec 2012
11

CONFIDENTIAL - ATTORNEYS EYES ONLY

GFA_EB001081



Earth Balance: Butter/Margarine/Blends



Source of Original Awareness of Earth Balance

REDACTED

B3: T270/Col. Q

Summary Dec/2012

SMART  BALANCE INC.

Q25: How did you first find out about Earth Balance?

13

CONFIDENTIAL - ATTORNEYS EYES ONLY

GFA_EB001083

Types of Stores Shopped

Among EB Buyers, and Key Target Segments, includes augment

REDACTED

B3: T260/Col. Q - S

Summary Dec/2012

SMART ♥ BALANCE INC.

Q20b: Even if you've already mentioned it, what type of stores do you usually shop for your groceries? Select all that apply.

14

CONFIDENTIAL - ATTORNEYS EYES ONLY

GFA_EB001084

ONE Store Shopped Most

Among EB Buyers, and Key Target Segments, includes augment

REDACTED

B3: T259/Col. Q - S

Summary Dec/2012

SMART ♥ BALANCE INC.

Q20a: At what ONE store do you usually shop for groceries like margarine or buttery spreads?

15

CONFIDENTIAL - ATTORNEYS EYES ONLY

GFA_EB001085



Earth Balance Awareness: Wave 11

(B/M/BL at % US Households & Key Target Segments)

REDACTED

B1 & B3: T36 & 41/Col. G(factored by category penetration), & Col. Q-S

Summary Dec/2012

SMART ♥ BALANCE INC.

Q9: For Butter/Margarine/Blends, what brand (s) have you heard of? / Q10: Even if mentioned before, which of the following brands are you aware of?

16

CONFIDENTIAL - ATTORNEYS EYES ONLY

GFA_EB001086



Past 12 Mo. Purchasing of EB B/M/BI

(B/M/BL at % US Households & Key Target Segments, augmented)

REDACTED

SMART ♥ BALANCE INC.

Q12: Which of the following brands have you bought for your HH in the past 12 months? Select all that apply

17

Wave 11: % Tub Package Size Purchased

Among Tub Buyers, EB Buyers and Key Target Segments, augmented

REDACTED

B1 & B3: T32/Col. G, Q-S

Summary Dec/2012

SMART ♥ BALANCE INC.

Q8b) What sizes of Buttery Spreads or Margarine in a Tub or spreadable butter/margarine/blends do you usually buy? Select one

18

CONFIDENTIAL - ATTORNEYS EYES ONLY

GFA_EB001088

Wave 11: % FLAVOR/TYPE *typically* Purchased

Among Tub Buyers, EB Buyers and Key Target Segments, augmented

REDACTED

SMART ♥ BALANCE INC.

Q8c: Which one of the following TYPES of buttery spreads or blends in tubs do you typically buy?

B1 & B3: T33/Col. G, Q- S

19

CONFIDENTIAL - ATTORNEYS EYES ONLY

GFA_EB001089

Wave 11: % FLAVOR/TYPE Purchased **MOST** Often

Among Tub Buyers, EB Buyers and Key Target Segments, augmented

REDACTED



Type of Earth Balance B/M/BI Purchased

Among Category Buyers, EB Buyers and Key Target Segments, augmented

REDACTED



Main Reason for Purchasing (Open End)

Among EB Buyers, and Key Target Segments, augmented

REDACTED

SMART  BALANCE INC.

Q13f: What was the main reason you purchased the Earth Balance product? (Open End)

22

CONFIDENTIAL - ATTORNEYS EYES ONLY

GFA_EB001092

Reported Share of Past 10 Purchases Key Brands

Category Buyers, EB Buyers and Natural Foods Shoppers

REDACTED



Earth Balance: Nut Butter

REDACTED

SMART ♥ BALANCE INC.



EB Nut Butter: Awareness & Purchasing

(PB Category at % US Households & EB Buyers augment among Category Buyers)

REDACTED

Summary Dec 2012
SMART  BALANCE INC.

Q10: Even if mentioned before, which of the following brands are you aware of?/ Q11: Which of the following brands have you seen/heard advertising for in the past 3 months? 25

Types of Peanut Butter Purchased Among Category Buyers and EB Buyers in Category

REDACTED

SMART  BALANCE INC.

Q14b. Which of the following types of peanut butter or nut butters have you purchased in the past 12 months? (Select all that apply)

26

CONFIDENTIAL - ATTORNEYS EYES ONLY

GFA_EB001096



Brand Attributes & Personality

SMART ♥ BALANCE INC.

27

Wave 11 - Brand Attributes:

REDACTED

(Among Brand Awares & Brand Buyers)

REDACTED

Q16a: Based on what you see and what you know about Brand X, please indicate how much you agree with each of these statements about Brand X.

Wave 11 - Brand Attributes:

REDACTED

(Among Brand Awarers & Brand Buyers)

REDACTED

SMART  BALANCE INC.

Q16a: Based on what you see and what you know about Brand X, please indicate how much you agree with each of these statements about Brand X.

29

CONFIDENTIAL - ATTORNEYS EYES ONLY

GFA_EB001099

Wave 11- Brand Personalities Detail

REDACTED

(Among Brand Awarers & Brand Buyers)

REDACTED

SMART  BALANCE INC.

Q16b: Based on what you see and what you know about Brand X, please indicate which adjectives or phrases are relevant to that Brand.

30

CONFIDENTIAL - ATTORNEYS EYES ONLY

GFA_EB001100

Wave 11 - Brand Attributes:

REDACTED

(Among Earth Balance Brand Awares)

REDACTED

4406. Based on what you see and what you know about Brand X, please indicate how much you agree with each of these statements about Brand X.

CONFIDENTIAL - ATTORNEYS EYES ONLY

GFA_EB001101

Wave 11- Brand Personalities Detail

REDACTED

(Among Earth Balance Brand Awares)

REDACTED

SMART  BALANCE INC.

Q16b: Based on what you see and what you know about Brand X, please indicate which adjectives or phrases are relevant to that Brand.

32

CONFIDENTIAL - ATTORNEYS EYES ONLY

GFA_EB001102



Health Attributes: Importance Ratings in Food and Brand Choice

SMART ♥ BALANCE INC.

33

W11: What's Important in Food and Ingredients

REDACTED

SMART  BALANCE INC.

CONFIDENTIAL - ATTORNEYS EYES ONLY

GFA_EB001104

W11: What's Important in Food and Ingredients Among EB Buyers, and Key Target Segments

REDACTED

B3: T253/ Co

Primary Dec/2012

SMART BALANCE INC.

Q17b: Now think about healthy ingredients and benefits in food. Indicate how important each item is to you.

35

CONFIDENTIAL - ATTORNEYS EYES ONLY

GFA_EB001105

W11: What's Important in Food and Ingredients Among EB Buyers, and Key Target Segments

REDACTED

B3: T253/ Col. Q-5

ec/2012

S...

Q17b: Now think about healthy ingredients and benefits in food. Indicate how important each item is to you.

36

W11: What's Important in *Choosing* a Brand Nationally and Among

REDACTED

REDACTED

B3

Q17a: When choosing among brands within the foods you purchase, how important is each of the following?

37

W11: What's Important in *Choosing* a Brand Nationally and Among [REDACTED]

[REDACTED]

B3: T251/Col. Q

Summary Dec/2012

SMART  BALANCE INC.

Q17a: When choosing among brands within the foods you purchase, how important is each of the following?

38

CONFIDENTIAL - ATTORNEYS EYES ONLY

GFA_EB001108

W11: Shoppers: Purchasing Attitudes

REDACTED

SMART ♥ BALANCE INC.

CONFIDENTIAL - ATTORNEYS EYES ONLY

GFA_EB001109

Shoppers: Purchasing Attitudes

Nationally and Among [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]



Demographic Profile

SMART ♥ BALANCE INC.

41

Earth Balance Buyers' Demographics: Age and Household Dynamics Wave 11

REDACTED

Smart Balance Buyers' Demographics: Education, Income, and Employment Wave 11

REDACTED

Historical FEB TOTAL Awareness Trends (+W13) (Butter/Margarine/Blends factored to % US Households)

REDACTED

REDACTED

Applicant's
EXHIBIT **35**
BBC vs. GFA
AGREN BLANDO REPORTING

SMART ♥ BALANCE INC.

10/17/2013

1

CONFIDENTIAL - ATTORNEYS EYES ONLY

GFA_EB000293

Historical FEB 'Ad Awareness' Trends (+W13) (Butter/Margarine/Blends at % US Households)

REDACTED

Historical FEB Past 12 Mo Reported Purchasing
Trends (+ W13)
(Butter/Margarine/Blends at % US Households)

REDACTED



Earth Balance Brand Health Measures – 3 Year (Butter/Margarine/Blends at % US Households)

REDACTED

REDACTED

Applicant's
EXHIBIT **36**
BBC vs. GFA
AGREN BLANDO REPORTING

W8: T286/C

SMART ♥ BALANCE INC.

Q9: For Butter/Margarine/Blends, what brand (s) have you heard of? / Q10: Even if mentioned before, which of the following brands are you aware of? / Q12: Which of the following brands have you bought for your HH in the past 12 months? Select all that apply.

1

CONFIDENTIAL - ATTORNEYS EYES ONLY

GFA_EB000296

The logo for Earth Balance, featuring the words "earth" and "balance" stacked vertically in a serif font, with a decorative flourish above the word "earth".

Earth Balance: Customer Analysis

March 2014

The logo for FleishmanHillard, consisting of a stylized "FH" inside a square.

FLEISHMANHILLARD

A white rectangular label with a red horizontal bar. The text on the label includes "Applicants" in cursive, "EXHIBIT" in red on the bar, "37" in large black numbers, "BBC vs. GFA" in cursive, and "AGREN BLANDO REPORTING" in red at the bottom.

Applicants
EXHIBIT 37
BBC vs. GFA
AGREN BLANDO REPORTING

CONFIDENTIAL - ATTORNEYS EYES ONLY

GFA_EB001043

Table of Contents

Background and Methodology	3
Key Findings	4
Detailed Findings:	
Demographic Profile	7
Customer Experience	15
Customer Profile	20

Background and Methodology

REDACTED



Key Findings

REDACTED



Key Findings

REDACTED



What This Means for Earth Balance

REDACTED



Detailed Findings

DEMOGRAPHIC PROFILE



Demographics

REDACTED

REDACTED



Demographics (continued)

REDACTED

Income

REDACTED

Education

REDACTED

REDACTED

**United States Census Bureau:
QuickFacts*



FLEISHMANHILLARD

Demographics (continued)

REDACTED

Marital Status

REDACTED

Children in Household

Number of Household Members

REDACTED



Region

REDACTED

REDACTED

REDACTED

Grocery Shopping Habits

REDACTED

**Are you the primary
grocery shopper?**

REDACTED



Grocery Shopping Habits

REDACTED

Type of Grocery Store Most Frequently Shopped At

REDACTED



Food Lifestyle

Which best describes you?

REDACTED

REDACTED

Detailed Findings

EARTH BALANCE CUSTOMER EXPERIENCE



Product
Purchases

**Which products have you purchased in the
past six months?**

REDACTED

REDACTED



Main Reason for Purchasing Earth Balance Products

REDACTED



Earth Balance
Product
Characteristics
REDACTED

**Percentage Who Ranks Characteristic as
Extremely Important**

REDACTED

Earth Balance Descriptors

REDACTED

Percentage Who “Agree Completely” That Each Describes Earth Balance Products

REDACTED

Detailed Findings

CUSTOMER PROFILES



Percentage Who “Agree Very Much” That Each Statement Describes Themselves

Healthy Shopping Habits

REDACTED

REDACTED



Healthy
Lifestyle
Descriptors

REDACTED

**Percentage Who “Agree Very Much” That
Each Statement Describes Themselves**

REDACTED



Social Media Habits

Which of the following social media sites do you visit and comment on?

REDACTED

REDACTED

Social Media Habits (continued)

REDACTED

Percentage Who “Agree Very Much” That Each Statement Describes Themselves

REDACTED

**Based on research conducted by Experian
Simmons and included in prior Earth Balance
reporting*



FLEISHMANHILLARD

Environmental Activism

Percentage Who “Agree Very Much” That Each Statement Describes Themselves

REDACTED

REDACTED



FLEISHMANHILLARD

Environmental Activism

Percentage Who “Agree Very Much” That Each Statement Describes Themselves

REDACTED

REDACTED





Customer Profiles:

REDACTED



Customer Profiles:

REDACTED



6" X 2.5"
front



6" X 2.5"
back

EB207 \$1 Off Coupon Updates: Culinary Spreads

REV 9	F earth balance®	printed colors	color colors
date: November 23, 2012	file name: EB207_CulinarySpreads_coupon2.rtf	● black	● yellow
client: earth balance	application: earth balance 050	● blue	● red
product name: 11 US Cinnamon	version: scale 0.00%	● green	● purple
project number: EB207	style number: 4.4	● cyan	● magenta
designer/production: Michael	<input type="checkbox"/> concept <input checked="" type="checkbox"/> layout <input type="checkbox"/> mechanical		
manufacturer:	printer:		
<p>notes: This is not a color proof. Refer to purchase and proof match books for accurate color results. No trapping fees from client to print.</p>			
<p>© 2012 Earth Balance. All rights reserved. The product name and logo are trademarks of Earth Balance. All other trademarks are the property of their respective owners. This coupon is not valid for cash. See retailer for details. This coupon is not valid for cash. See retailer for details. This coupon is not valid for cash. See retailer for details.</p>		<p>earth balance® 111 705 422 148 www.earthbalance.com</p>	

Applicant's
EXHIBIT 38
 BBC vs. GFA
 AGREN BLANDO REPORTING

Manufacturer's Coupon Expires 08/30/13

\$100 OFF
the purchase of any
earth balance®
Product.



0033776-130268

5 33776 20076 8

Retailer: Send to GFA Brands Inc., CMS Dept. #33776, One Fawcett Drive, Del Rio, TX 78840. You will be paid \$1, plus \$0.08 handling provided coupon is redeemed in accordance with our offer. See GFA Coupon Redemption Policy #2. Cash Value 1/100 cent. One coupon per item purchased. Not every product is available in every market. Void where prohibited or otherwise restricted. ©2012 GFA Brands, Inc., owner of the trademarks. All rights reserved.
Expiration: 08/30/13
Code: 130268

6" X 2.5"
front

Manufacturer's Coupon Expires 08/30/13

\$100 OFF
the purchase of any
earth balance®
Product.



0033776-130268

5 33776 20076 8

Retailer: Send to GFA Brands Inc., CMS Dept. #33776, One Fawcett Drive, Del Rio, TX 78840. You will be paid \$1, plus \$0.08 handling provided coupon is redeemed in accordance with our offer. See GFA Coupon Redemption Policy #2. Cash Value 1/100 cent. One coupon per item purchased. Not every product is available in every market. Void where prohibited or otherwise restricted. ©2012 GFA Brands, Inc., owner of the trademarks. All rights reserved.
Expiration: 08/30/13
Code: 130268

6" X 2.5"
back

EB207 \$1 Off Coupon Updates: Any Product

rev 3

F earth balance®

date: October 23, 2012 file name: EB207_20120830_coupon_updates_01.ai

client: earth balance application: earth balance CDS

product name: \$1 off coupons artwork size: 100%

project number: 63040 dialine number: na size:

designer/production: Michael concept layout mechanical

manufacturer: printer:

notes: This is not a color proof. Refer to electronic and please match fonts to accurate color versions. No trapping has been done to this file.

printed colors: CMYK spot RGB

other colors: PMS RGB

RGB CMYK

printing process: CMYK

substrate:

finish:

notes: This is not a color proof. Refer to electronic and please match fonts to accurate color versions. No trapping has been done to this file.

VS printing: Ridge Station Houston, TX 77059 Tel: 281.463.7100 Email: info@ridgestation.com

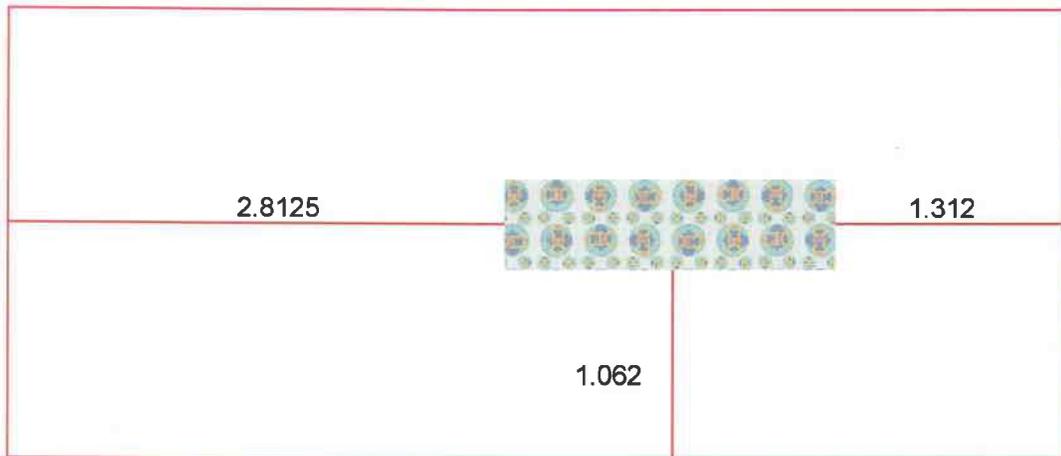
EB_Coupon_FREE_AnyProduct_400257.ai



Bleed
.125"

Crop
6" x 2.5"

Foil Placement



Foil Area - 1.875x.5

Applicant's
EXHIBIT 39
BBC v. GFA
AGREN BLANDO REPORTING

Manufacturer's Coupon Expires 6/30/14

\$100 OFF
the purchase of any
earth balance®
Product.



0033776-400258



Retailer: Send to Earth Balance;
INMART Dept. #33776; One
Fawcett Drive, Del Rio, TX
78840. GFA Brands, Inc. will
reimburse you for face value of
this coupon plus 8¢ handling
provided coupon is redeemed
in accordance with our coupon
redemption policy (available
upon request). Cash value
1/100¢. Do not double.
Caution: One coupon per
item purchased. Consumer pays
sales tax. Void if reproduced,
transferred, restricted or
profitable.
©2014 GFA Brands, Inc.
Expiration: 6/30/14
Code: 400258

Bleed
.125"

Crop
6" x 2.5"

Manufacturer's Coupon Expires 7/31/14

\$100 OFF
the purchase of any
earth balance®
Product.



0033776-400259



Retailer: Send to Earth Balance;
INMAR Dept. #33776; One
Fawcett Drive; Del Rio, TX
78840. GFA Brands, Inc. will
reimburse you for face value of
this coupon plus 8¢ handling
provided coupon is redeemed
in accordance with our coupon
redemption policy (available
upon request). Cash value
1/100¢. Do not double.
Consumer: One coupon per
item purchased. Consumer pays
sales tax. Void if reproduced,
transferred, restricted or
prohibited.
©2014 GFA Brands, Inc.
Expiration: 7/31/14
Code: 400259

Bleed
.125"

Crop
6" x 2.5"

Manufacturer's Coupon Expires 7/31/14

\$100 OFF
the purchase of any
earth balance®
Snack



0033776-400261



Retailer: Send to Earth Balance;
INMAR Dept. #33776; One
Fawcett Drive; Del Rio, TX
78840. GFA Brands, Inc. will
reimburse you for face value of
this coupon plus 8¢ handling
provided coupon is redeemed
in accordance with our coupon
redemption policy (available
upon request). Cash value
1/100¢. Do not double.
Consumer: One coupon per
item purchased. Consumer pays
sales tax. Void if reproduced,
transferred, restricted or
prohibited.
©2014 GFA Brands, Inc.
Expiration: 7/31/14
Code: 400261

Bleed
.125"

Crop
6" x 2.5"

Manufacturer's Coupon Expires 7/31/14

\$100 OFF

the purchase of one
earth balance®
Culinary Spread, Omega-3 Spread
or Soy Free Sticks



0033776-400262



Retailer: Send to Earth Balance;
INMAR Dept. #33776; One
Fawcett Drive; Del Rio, TX
78840. GFA Brands, Inc. will
reimburse you for face value of
this coupon plus 8¢ handling
provided coupon is redeemed
in accordance with our coupon
redemption policy (available
upon request). Cash value
1/100¢. Do not double.
Consumer: One coupon per
item purchased. Consumer pays
sales tax. Void if reproduced,
transferred, restricted or
prohibited.
©2014 GFA Brands, Inc.
Expiration: 7/31/14
Code: 400262

Bleed
.125"

Crop
6" x 2.5"

<p>Coupon du fabricant Expiration: 31 Juillet 2014</p>	<p>Manufacturer's coupon Expiration: July 31, 2014</p>
<h1 style="margin: 0;">\$100 de réduction</h1> <p style="margin: 5px 0;">sur tout produit earth balance®</p>	<h1 style="margin: 0;">\$100 OFF</h1> <p style="margin: 5px 0;">the purchase of any earth balance® product</p>
	
<ul style="list-style-type: none"> • Exempt de colorants artificiels, d'agents de conservation ou d'émulsifiants • Fait avec des huiles non génétiquement modifiées • Végétalien 	<ul style="list-style-type: none"> • No artificial colors, preservatives, or emulsifiers • Made with non-GMO oils • Vegan
<p>N° de code / Code # 11501348 www.EarthBalanceNatural.com ©2014 GFA Brands, Inc.</p>	

Bleed .125"

FRONT

Crop
6" x 2.5"

<p>Au détaillant : GFA Brands, Inc. vous remboursera la valeur nominale de ce coupon plus les frais de manutention, à condition que le coupon remboursable soit présenté par votre consommateur au moment de l'achat de l'article décrit sur le coupon. Tout autre usage de ce coupon constitue un acte frauduleux. Si l'on ne peut présenter, sur demande des factures attestant l'achat de stock suffisant dans les 90 jours précédents pour couvrir le nombre de coupons à échanger, cette offre sera nulle. Les coupons présentés pour remboursement deviennent notre propriété. Toute reproduction non autorisée de ce coupon est expressément interdite par la loi.</p> <p>Pour obtenir un remboursement, veuillez vous adresser à GFA Brands, Inc. CP 1600, Pickering, Ontario, L1V 7C1</p> <p>Au client : Il est possible que le détaillant vous fasse payer la taxe sur le prix total de l'article ou des articles et déduise ensuite la valeur du coupon, conformément à la loi provinciale en vigueur. Le cas échéant, le crédit de TPS/TVQ/TVH est compris dans la valeur nominale du coupon. Toute reproduction non autorisée de ce coupon est interdite par la loi. Limite d'un coupon par achat. Ne peut être combiné avec aucun autre coupon. Valable seulement au Canada.</p> <p>Date d'expiration du coupon : 31 Juillet 2014 N° de code : 11501348</p>	<p>To The Dealer: GFA Brands, Inc. will reimburse you the face value of this coupon plus our specified handling fee provided it is redeemed by your consumer at the time of purchase on the item specified. Other applications constitute fraud. Failure to send in, on request, evidence that sufficient stock was purchased in the previous 90 days to cover coupons presented will void coupons. Coupons submitted become our property. Reproduction of this coupon is expressly prohibited.</p> <p>For redemption mail to: GFA Brands, Inc., PO Box 1600, Pickering, Ontario, L1V 7C1.</p> <p>To The Consumer: Provincial Law may require the retailer to charge the applicable tax on the full value of the purchase(s) before the reduction in coupon value. GST, PST and HST are included in face value where applicable. Unauthorized reproduction of this coupon is unlawful. Limit one coupon per purchase. Not valid with any other coupon offer. Offer valid only in Canada.</p> <p>Expiration: July 31, 2014 Code: 11501348</p>
	

Bleed .125"

BACK

Crop
6" x 2.5"

Organic Coconut Flavour Spread

from earth balance



Bake, sauté, stir-fry and amaze with this creamy, butter-busting delight made with extra virgin coconut oil.

Redeemable only at Whole Foods Market®. Expires 30/04/14

\$1.00 off

any ONE (1) Earth Balance
Organic Coconut Flavour Spread



PLU: XXXXX
Some products may not be available in all stores. Limit one coupon per purchase of specified product(s). Void if altered, transferred, reproduced, exchanged, sold, purchased, or where prohibited or restricted by law. Valid only in Canada. Expires April 30, 2014.

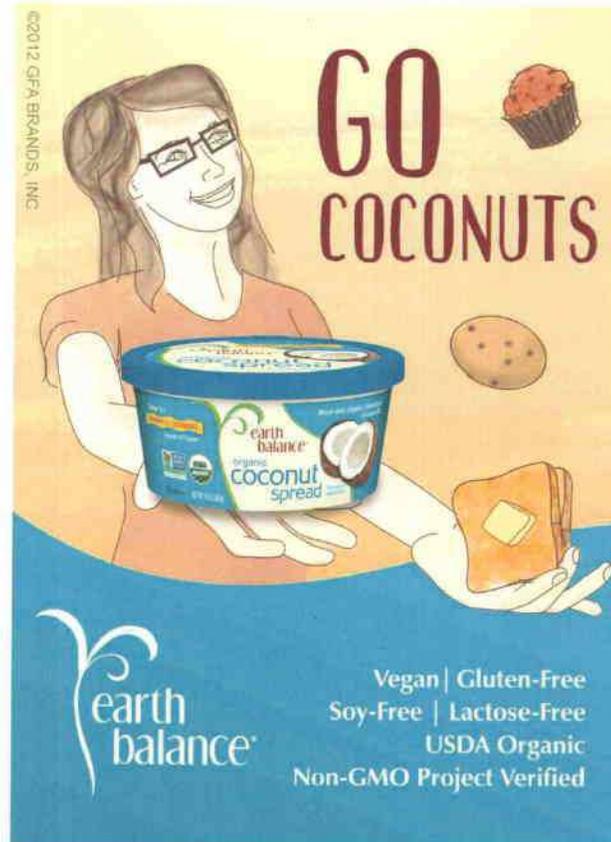
PLU FPO

Applecart's
EXHIBIT 40
BBC v. GFA
AGREN BLANDO REPORTING

Opposition No. 91212477
BALANCE BAR COMPANY v. GFA BRANDS, INC.
Offered by Applicant GFA Brands, Inc.

EB Marketing \$	2010	2011	2012	2013	2014
REDACTED					

Applicant's
EXHIBIT 41
BBC v. GFA
AGREN BLANDO REPORTING

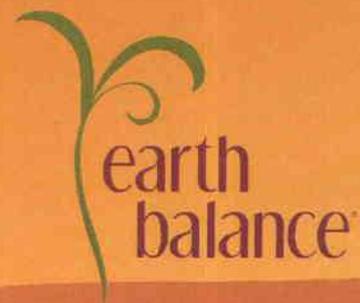


WE SAY NO TO GMOS.



At Earth Balance, we believe in creating products that treat the taste buds and the planet well. All of our products are made without genetically engineered ingredients and most are verified by the Non-GMO Project.

Find out more at
earthbalancenatural.com.



©2012 GFA Brands, Inc.



earth balance

Earth Balance Holiday Bake-Off

Win a \$1,400 Whole Foods Market gift card, FREE Earth Balance® products and more! Submit your plant-based pie, cake, cupcake and cookie recipes to the Earth Balance Holiday Bake-Off competition on MadeJustRight.com!

Enter by December 23, 2011.

For details visit www.madejustright.com

Win a \$1,400 Whole Foods Gift Card!

Applicant's
EXHIBIT **44**
BBC vs. GFA
AGREN BLANDO REPORTING

Community Recipes | Made Just Right by Earth Balance



made just right by earth balance

News > Vegan Recipes > Living >
Submit a Recipe > Contest >

GET THE NEWSLETTER
VEGAN NEWS, COUPONS, RECIPES AND MORE

SIGN UP!

Dish Types

All Dish Types

Cuisine Types

All Recipe Cuisines

Sort By

Most Recent

Chocolate Sandwiches with Crème Filling



20 min 10 min 12 serv.
Made Just Right Team
0 Likes 0 Comment

Pina Colada Smoothie



10 min 2 min 1 serv.
Made Just Right Team
1 Likes 0 Comment

Blueberry Chamomile Cupcakes



20 min 35 min 12 serv.
Made Just Right Team
1 Likes 2 Comments

White Bean Gravy

Plant-Based Chick'n Pot Pies

Chocolate Tofu Banana Mousse

Recipe Search

Search...

Submit a Recipe

Follow us



on Pinterest

Applicant's EXHIBIT 45

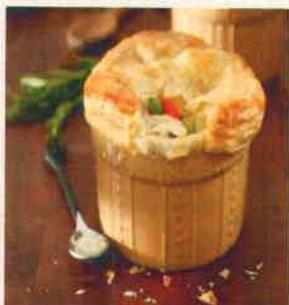
BBC vs. GFA
AGREN BLANDO REPORTING



4 serv.

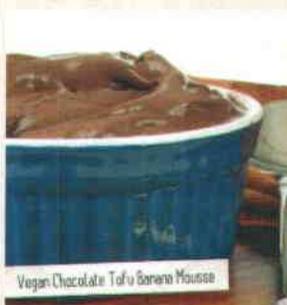
JL goes Vegan

1 Likes 0 Comment



Made Just Right Team

1 Likes 2 Comments



10 min 60 min 4 serv.

Made Just Right Team

0 Likes 0 Comment

S'more Cake



1440 min 90 min 24 serv.

Made Just Right Team

1 Likes 4 Comments

Peanut Butter Pecan Cake Roll



15 min 10 min 7-12 serv.

Made Just Right Team

0 Likes 0 Comment

Old Fashioned Salted Peanut Butter Chocolate Cupcakes



30 min 20-25 min

12-18 serv.

Made Just Right Team

0 Likes 0 Comment

Browse Recipes

- * Vegan Dessert
- * Vegan Appetizer
- * Vegan Side Dish
- * Vegan Entree
- * Vegan Breakfast
- * Meatless Monday
- * Quick & Easy
- * Smoothies
- * Gluten Free
- * Vegan Beverage

1 2 3 4 5 ... 128 NEXT >

News

Newsworthy
Trailblazers

Vegan Recipes

Living

Lifestyle
Books
Veggie Kids
Sustainability
Non-GMO

Products Contest

About



Gluten Free Magical Seven-Layer Bars | Made Just Right by Earth Balance



made just right by earth balance

News > Vegan Recipes > Living > Submit a Recipe >

100% CHEEZY
100% VEGAN
100% GMO-FREE

GET THE NEWSLETTER
VEGAN NEWS, COUPONS, RECIPES AND MORE

SIGN UP!

Gluten Free Magical Seven-Layer Bars

Written by Made Just Right on March 15, 2012 · 11 Comments



Today we are sharing an especially delicious gluten free, nut free, vegan treat from [Gluten Free Gigi!](#)

There is one recipe from my childhood holidays I never refashioned to fit my gluten free, dairy free, soy free, nut free life. In fact, until I started thinking of what to share for an event I was attending, I hadn't even considered the super-simple bars my mother used to make.

Recipe Search

Search...

Follow us



on Pinterest



"Magic Bars", "Seven Layer Bars", "Everything Bars", "Homemade Candy Bars". I bet you've even got other names for them I've never heard. Whatever you call them, if you've had them, and if you're honest about it, you know they're just plain yum. There's not one healthy thing about them in their original form... they are loaded with fat and sugar, and all sorts of things you should probably never feed anyone, especially children!

Every ingredient in the original recipe is off-limits to me. Some were easy to substitute, others were a challenge. Namely, butterscotch chips and sweetened condensed milk. I made my own version of each, and I'm including links for those recipes here too, in case you're like me and need gluten free dairy free options for these ingredients.

Ingredients:

- 1 1/2 cups Gluten Free graham cracker crumbs
- 1/4 cup Earth Balance® Soy Free Buttery Spread, melted
- 1 recipe dairy free sweetened condensed "Milk" ([Recipe](#))
- 1 cup dairy free butterscotch chips ([Recipe](#))
- 1 cup Enjoy Life Foods (or any non-dairy) mini chocolate chips
- 1 cup unsweetened grated organic coconut
- 1 cup roasted (salted or unsalted, whichever you prefer) organic sunflower seeds (I used salted to offset the sweetness of the bars a bit)

[Gluten Free Gigi Tip: If you're making the dairy free sweetened condensed milk and butterscotch chips, do that first. It takes a little time to prepare those.]

Directions:

Preheat your oven to 350F. Spray a 9x13-inch baking pan (I like to use a glass baking dish for these bars) with a cooking spray or grease lightly. Set aside.

In a mixing bowl, stir graham crumbs and Earth Balance® Buttery Spread together. Press into the prepared baking dish.

Pour sweetened condensed "milk" evenly over top of graham crust.

Layer butterscotch chips, chocolate chips, coconut, and seeds. Press gently with palm of your hand.

Bake for 25 minutes. Remove from oven and cool for 20 minutes.

Use a knife to go around the edge of the pan to loosen the bars, then cut into squares. Allow bars to cool completely before removing from pan.

I love to chill these bars just a little before serving. I hope you enjoy them as much as I do!

Do you have a favorite beloved recipe that you've managed to successfully veganize? Let us know about it in the comments and we'll pick one winner for today's Everyday Giveaway of FREE Earth Balance®... your comment is your contest entry!

Rating: 0.0/5 (0 votes cast)

Subscribe to Our Newsletter!

Subscribe

Related Posts



Sweet Potato and Chocolate Romance



Vegan BoBerry Biscuits Recipe



Tofu Jerky!



Vegan Thai Chicken Wraps



Categories: [Cooking and Baking](#), [Gluten Free](#)

SPREAD THE NEWS   

Read below or [add a comment...](#)

11 Responses to "Gluten Free Magical Seven-Layer Bars"

Cate Donoghue says:

March 1, 2013 at 1:34 pm

I'll try this one, thanks!!

Rating: 0.0/5 (0 votes cast)

[Reply](#)

RAJ SHAH says:

March 1, 2013 at 1:35 pm

My favorite beloved recipe was making ice cream cake with the BEST lemon cake ever. Veganized it with vanilla soy ice cream, made a frosting using tart kefir frozen yogurt, and used Earth Balance Buttery spread to make the cake! So so so yummy!!

Rating: 0.0/5 (0 votes cast)

[Reply](#)

Jaydee Dewitt says:

March 1, 2013 at 1:36 pm

oh! this looks lovely! and non dairy sweetened condensed milk? ahhhhhhhh!!!!

Rating: 0.0/5 (0 votes cast)

[Reply](#)

Amy Davidson says:

March 1, 2013 at 1:37 pm

peanut butter cookies is a favorite recipe that I've been able to veganize 

Rating: 0.0/5 (0 votes cast)

[Reply](#)

Kathleen Keene says:

March 1, 2013 at 1:38 pm

We successfully veganized the Betty Crocker Cabbage Rolls recipe, using Gardein burgers, and topped with Daiya! 

Rating: 0.0/5 (0 votes cast)

[Reply](#)

Blair Greenwood says:

March 1, 2013 at 1:39 pm

This looks absolutely delicious ! I am traveling to my hometown in April to visit family, and I can't wait to make my mom this!

Rating: 0.0/5 (0 votes cast)

[Reply](#)

Rachel Zacrep says:

March 1, 2013 at 1:40 pm

pumkin pie is my favorite thing i have been able to successfully veganized!

Rating: 0.0/5 (0 votes cast)

[Reply](#)

Kelly OConnor-Salomon says:

March 1, 2013 at 1:41 pm

I have a casserole recipe that I veganized pretty successfully—I've had it in my notebook for so long, that I forgot where I originally got it from, but it called for ground beef and cheese, which I subbed with SmartGround and Daiya shreds. I used GF pasta when I made it last week, and it was still yummy.

Rating: 0.0/5 (0 votes cast)

[Reply](#)

Beth Mickens says:

March 1, 2013 at 1:41 pm

I love to attempt to veganize anything and everything! This looks yummy and I definitely want to try the condensed milk recipe and butterscotch recipe to help veganize a filipino dessert called halo-halo and neiman-marcus cookies! Thanks GF Gigi!

Rating: 0.0/5 (0 votes cast)

[Reply](#)

Gigi Gluten Free says:

March 1, 2013 at 1:42 pm

These "veganized" creations of yours sound yummy, everyone!

These bars were one from childhood that I really missed. Nice to be able to enjoy them again!

xoxo,

Gigi 

Rating: 0.0/5 (0 votes cast)

[Reply](#)

Terree Cloth says:

March 1, 2013 at 1:43 pm

Because I keep a strictly kosher kitchen, and don't mix meat and dairy, I often look at vegan recipes for desserts after a meat meal. I've tried a few vegan alternatives for sweetened condensed milk; none of them worked out. I'm eager to try your version; it looks good! If only So-Delicious was kosher for Passover! Most of the recipes I have successfully veganized are desserts. It's easy substituting Earth Balance sticks—very tasty.

Rating: 0.0/5 (0 votes cast)

[Reply](#)

Leave A Comment

Name *

Email *

Website



The banner features the 'ropikoni delivered' logo in a stylized font. Below the logo is a yellow input field for a CAPTCHA, with the text 'Privacy & Terms' to its left. To the right of the input field are two CAPTCHA icons: one labeled 'the CAPTC' and another labeled 'the CAP'.

Subscribe to notifications for this topic.

News

- Newsworthy
- Trailblazers

Vegan Recipes

Living

- Lifestyle
- Books
- Veggie Kids
- Sustainability
- Non-GMO

Products

About



earth balance

NEWS & EVENTS | FAQs | ABOUT US | CONTACT | NEWSLETTER SIGN-UP

Products | Kitchen Tips | Wellness | Recipes | Responsibility | Community

TREAT YOURSELF.

All of our products support a delicious plant-based diet.

LEARN MORE

earth balance SOY MILK ORIGINAL

earth balance SOY MILK CHOCOLATE

Newsletter Sign-up

Subscribe to the latest plant-based diet news & lifestyle tips.



New From Earth Balance

Omega-3 Buttery Spread & Soy Free Buttery Sticks

LEARN MORE

Recipes Classic Coconut



Find and share tasty recipes, cooking ideas, helpful tips and much more.



Store Finder

Enter Zip Code



Applicant's
EXHIBIT 47
BBC vs. GFA
AGREN BLANDO REPORTING



Applicant's
EXHIBIT 48

BBC vs. GFA
AGREN BLANDO REPORTING

GFA_EB002323



Applicant's
EXHIBIT 49
BBC vs. GFA
AGREN BLANDO REPORTING