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

Proceeding	91216951
Party	Plaintiff Threshold Enterprises Ltd.
Correspondence Address	ROD S BERMAN JEFFER MANGELS BUTLER & MITCHELL LLP 1900 AVENUE OF THE STARS, 7TH FLOOR LOS ANGELES, CA 90067 UNITED STATES trademarkdocket@jmbm.com
Submission	Motion to Extend
Filer's Name	JESSICA BROMALL SPARKMAN
Filer's e-mail	trademarkdocket@jmbm.com
Signature	/s/ JESSICA BROMALL SPARKMAN
Date	12/04/2015
Attachments	2015-12-04 Motion to Extend Time.pdf(712952 bytes )

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

<p style="text-align:center">THRESHOLD ENTERPRISES LTD.,</p> <p style="text-align:center">Opposer,</p> <p style="text-align:center">v.</p> <p style="text-align:center">GLANBIA INGREDIENTS (BALLYRAGGET) LIMITED,</p> <p style="text-align:center">Applicant.</p>	<p>Opposition No.: 91216951</p> <p>Application Serial Nos.: 85/685,585, 85/685,603</p> <p>Marks: OPEN SOURCE</p> <p style="text-align:center"> Open Source</p> <p>Published for Opposition: April 22, 2014</p> <p>Atty. Ref. No.: 72293-9002</p>
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Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**OPPOSER’S MOTION TO EXTEND CASE MANAGEMENT DATES**

Opposer Threshold Enterprises Ltd. (“Threshold”) moves , pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Rule 2.116(a) of the Trademark Rules of Practice (37 C.F.R.§ 2.116(b)), for an order extending the case management dates herein by 90 days. Good cause exists for this extension, which is sought in good faith and not for purposes of delay.

As an initial matter, prior to filing this motion, Threshold requested that applicant Glanbia Ingredients (Ballyragget) Limited (“Glanbia”) consent to the extension requested herein. Declaration of Jessica Bromall Sparkman, ¶ 2, Exh. A. Glanbia did not respond to Threshold’s request. *Id.* at ¶ 2. Threshold then advised Glanbia that it intended to move for an order extending the dates if Glanbia would not consent, and twice Threshold has asked Glanbia to state whether it would oppose such

motion and, if so, on what grounds. *Id.* at ¶ 2, Exh. A. Glanbia, however, has not responded. *Id.* at ¶ 2.

Good cause exists for the extension requested herein. First, Threshold and Glanbia were, for a time, engaged in discussions regarding the potential for resolving this matter by agreement, and had exchanged several proposals for settlement, none of which have yet been successful. *Id.* at ¶ 3. Threshold has been attempting to continue these discussions, including by proposing on or about October 20, 2015 that the parties submit the matter to mediation. *Id.* at ¶ 3. Despite follow-up, Glanbia has not yet responded to this proposal. *Id.* at ¶ 2-3, Exh. A. It is unclear to Threshold whether Glanbia believes the parties have exhausted the potential for settlement, or whether it has simply been delayed in responding, for example, due to other pressing concerns.

Second, on November 6 and 10, 2015, Threshold filed Notices of Opposition against four trademark applications for TRU SOURCE, which applications were filed by Glanbia's related entity Glanbia Nutritionals (Ireland) Limited. U.S. Opp. Proc. Nos. 91/224,750 and 91/224,791. The precise relationship between these two entities is not clear, although they do share the same address. *See, e.g.*, U.S. App. Ser. Nos. 86/565,379 and 85/685,585.

The application to register various additional "SOURCE" marks by a Glanbia-related entity introduces new issues to the instant proceeding. Among other things, additional discovery is necessary into the relationship between Glanbia and the Glanbia-related entity responsible for filing the additional "SOURCE" applications. Additionally, Threshold needs to conduct discovery into the use of "SOURCE" marks by the Glanbia-related entity, as that use may be relevant to the question of likelihood of confusion here. For example, a consumer familiar with all of the Glanbia "SOURCE" marks

(including both TRU SOURCE and OPEN SOURCE) may believe that Glanbia has a “family” of source marks, and that consumer may therefore be more likely to mistakenly believe that Threshold or its SOURCE and SOURCE NATURALS marks are affiliated with Glanbia.

Third, Threshold has not yet determined whether an expert witness is required for the instant case, or for the recently initiated oppositions to the TRU SOURCE applications filed by the Glanbia-related entity. If an expert is necessary, efficiency dictates that a single expert be engaged to opine in both proceedings. However, the TRU SOURCE proceedings have only recently begun, and no answers have been filed, and no discovery has been taken. Until additional discovery has been undertaken, and until it is determined that the parties have exhausted the possibility of settling this matter, it is not possible to determine whether an expert ought to be engaged.

Good cause exists for the requested extension. It will allow Threshold the opportunity to determine whether the potential for settlement has been exhausted, prior to proceeding with the expense of engaging an expert witness, and conducting additional discovery. It will also allow time for Threshold to gather additional information regarding the relationship between Glanbia and Glanbia Nutritionals (Ireland) Ltd., as well as information about how the TRU SOURCE marks are being used. Finally, the requested extension will ensure that if necessary, expert discovery can be conducted in a timely and orderly fashion.

For the foregoing reasons, Threshold respectfully requests that the Board enter an order continuing the case management dates by 90 days as set forth below:

Expert Disclosures Due:	3/19/2016
Discovery Closes:	4/18/2016
Plaintiff's Pretrial Disclosures:	6/2/2016
Plaintiff's 30-day Trial Period Ends:	7/17/2016
Defendant's Pretrial Disclosures:	8/1/2016
Defendant's 30-day Trial Period Ends:	9/15/2016
Plaintiff's Rebuttal Disclosures:	9/20/2016
Plaintiff's 15-day Rebuttal Period Ends:	10/30/2016

Respectfully submitted,

Dated: December 4, 2015

/S/ JESSICA BROMALL SPARKMAN  
Rod S. Berman  
Jessica Bromall Sparkman  
Jeffer Mangels Butler & Mitchell LLP  
1900 Avenue of the Stars, Seventh Floor  
Los Angeles, CA 90067-5010  
Telephone: (310) 203-8080  
Fax: (310) 203-0567  
**E-mail: [trademarkdocket@jmbm.com](mailto:trademarkdocket@jmbm.com)**

*Attorneys for Opposer Threshold Enterprises,  
Ltd.*

**DECLARATION OF JESSICA BROMALL SPARKMAN**

I, JESSICA BROMALL SPARKMAN, declare as follows:

1. I am an attorney licensed to practice law in the State of California and a partner at the law firm of Jeffer Mangels Butler & Mitchell LLP, counsel for opposer Threshold Enterprises, Ltd. (“Threshold”) in the above-referenced matter. I have personal knowledge of the facts set forth herein, or knowledge based on the documents in my firm’s files in the relevant matters, and, if called as a witness, could and would competently testify thereto. I submit this declaration in support of Opposer’s Motion to Extend Case Management Dates.

2. Attached hereto as Exhibit A is a true and correct copy of an email exchange between myself, my colleague Rod Berman, and counsel for applicant Glanbia Ingredients (Ballyragget) Ltd. (“Glanbia”) which took place between November 10, 2015 and December 2, 2015. Other than the communications set forth in Exhibit A, we have received no other communication or responses from counsel for Glanbia since prior to November 10, 2015.

3. At various times during the pendency of this matter, the parties have engaged in settlement negotiations. On or about October 20, 2015, counsel for Threshold suggested that the parties submit the matter to mediation. Despite numerous follow-ups, Glanbia has not yet responded to this proposal.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct, and that this Declaration is executed on December 4, 2015 at Los Angeles, California.

/S/ JESSICA BROMALL SPARKMAN  
JESSICA BROMALL SPARKMAN

# **EXHIBIT A**

## Bromall Sparkman, Jessica

---

**From:** Bromall Sparkman, Jessica  
**Sent:** Wednesday, December 02, 2015 5:14 PM  
**To:** bassam.ibrahim@bipc.com  
**Cc:** Maynard, Bryce (bryce.maynard@bipc.com); Berman, Rod S.; Palmer, Kerene; Duncan, Sharon  
**Subject:** RE: Threshold Enterprises Ltd./Glanbia Ingredients Ltd.; Opposition to OPEN SOURCE and TRUSOURCE Marks [JMBM-LA.72293.9002.FID1353708]

Sam –

Any news? We intend to file our motion to extend tomorrow. Please let us know if you intend to oppose and, if so, on what grounds.

Regards,

Jessica

---

**From:** Bromall Sparkman, Jessica  
**Sent:** Wednesday, November 25, 2015 11:40 AM  
**To:** bassam.ibrahim@bipc.com  
**Cc:** Maynard, Bryce (bryce.maynard@bipc.com); Berman, Rod S.; Palmer, Kerene; Duncan, Sharon  
**Subject:** FW: Threshold Enterprises Ltd./Glanbia Ingredients Ltd.; Opposition to OPEN SOURCE and TRUSOURCE Marks [JMBM-LA.72293.9002.FID1353708]

Sam –

Do you have any response to our proposal to continue the case management dates by 90 days? Or Rod's earlier questions regarding a potential mediation?

In light of the upcoming deadlines, if you will not consent, we intend to move for an extension on Thursday, December 3. We'd prefer to resolve this issue by stipulation, but if you will not consent, please let us know as soon as possible whether you intend to oppose our motion, and if so, on what basis.

Best regards,

Jessica

---

**From:** Ibrahim, Bassam [<mailto:bassam.ibrahim@bipc.com>]  
**Sent:** Friday, November 20, 2015 8:39 AM  
**To:** Bromall Sparkman, Jessica  
**Cc:** Maynard, Bryce; Berman, Rod S.; Duncan, Sharon; Palmer, Kerene  
**Subject:** RE: Threshold Enterprises Ltd./Glanbia Ingredients Ltd.; Opposition to OPEN SOURCE and TRUSOURCE Marks [JMBM-LA.72293.9002.FID1353708]

We will revert to you soon.

Sincerely

**Bassam Ibrahim**

## Shareholder

1737 King Street  
Suite 500  
Alexandria, VA 22314-2727  
703 838 6584 (o)  
703 589 8734 (c)  
[bassam.ibrahim@bipc.com](mailto:bassam.ibrahim@bipc.com)

[vCard](#) | [Bio](#) | [BIPC.com](#) | [Twitter](#) | [LinkedIn](#)

## **Buchanan Ingersoll & Rooney PC**

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KNOW GREATER PARTNERSHIP

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**From:** Bromall Sparkman, Jessica [<mailto:JZB@JMBM.COM>]  
**Sent:** Thursday, November 19, 2015 8:03 PM  
**To:** Ibrahim, Bassam  
**Cc:** Maynard, Bryce; Berman, Rod S.; Duncan, Sharon; Palmer, Kerene  
**Subject:** RE: Threshold Enterprises Ltd./Glanbia Ingredients Ltd.; Opposition to OPEN SOURCE and TRUSOURCE Marks [JMBM-LA.72293.9002.FID1353708]

Sam – Any response? Jessica

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**From:** Bromall Sparkman, Jessica  
**Sent:** Wednesday, November 18, 2015 2:21 PM  
**To:** [bassam.ibrahim@bipc.com](mailto:bassam.ibrahim@bipc.com)  
**Cc:** Maynard, Bryce ([bryce.maynard@bipc.com](mailto:bryce.maynard@bipc.com)); Berman, Rod S.; Duncan, Sharon; Palmer, Kerene  
**Subject:** FW: Threshold Enterprises Ltd./Glanbia Ingredients Ltd.; Opposition to OPEN SOURCE and TRUSOURCE Marks [JMBM-LA.72293.9002.FID1353708]

Sam –

In light of the upcoming holidays, we suggest agreeing to a 90 day extension of the case management dates to allow the parties time to continue discussions. Will you consent? If so, we will file the appropriate motion with the Board.

Please advise.

Regards,

Jessica

---

**From:** Ibrahim, Bassam [<mailto:bassam.ibrahim@bipc.com>]  
**Sent:** Tuesday, November 17, 2015 4:12 AM  
**To:** Berman, Rod S.; Maynard, Bryce  
**Cc:** Goodman, Florence J.; [rbernan@jmbm.com](mailto:rbernan@jmbm.com); Duncan, Sharon; Bromall Sparkman, Jessica; Palmer, Kerene  
**Subject:** RE: Threshold Enterprises Ltd./Glanbia Ingredients Ltd.; Opposition to OPEN SOURCE and TRUSOURCE Marks

Dear Rod

I have just return from an overseas trip. We will revert to you soon.

Sincerely,

Sam

**Bassam Ibrahim**  
Shareholder

1737 King Street  
Suite 500  
Alexandria, VA 22314-2727  
703 838 6584 (o)  
703 589 8734 (c)  
[bassam.ibrahim@bipc.com](mailto:bassam.ibrahim@bipc.com)

[vCard](#) | [Bio](#) | [BIPC.com](#) | [Twitter](#) | [LinkedIn](#)

## Buchanan Ingersoll & Rooney PC

KNOW GREATER PARTNERSHIP

---

**From:** Berman, Rod S. [<mailto:RBerman@JMBM.com>]

**Sent:** Tuesday, November 10, 2015 5:30 PM

**To:** Ibrahim, Bassam; Maynard, Bryce

**Cc:** Goodman, Florence J.; [rbernan@jmbm.com](mailto:rbernan@jmbm.com); Duncan, Sharon; Bromall Sparkman, Jessica; Palmer, Kerene

**Subject:** RE: Threshold Enterprises Ltd./Glanbia Ingredients Ltd.; Opposition to OPEN SOURCE and TRUSOURCE Marks

Dear Sam: I had reached out to Bryce to suggest a mediation to try to resolve the SOURCE disputes in Los Angeles, but have not heard from him as to whether your client would be interested in this approach. In the meantime, as you may have seen, we have filed on behalf of Threshold oppositions to the four (4) trademark applications Glanbia filed to register various versions of TRUSOURCE. As I had explained to Bryce, if we were to mediate the matter, we would want to try resolve all of the SOURCE issues. We look forward to your comments. Regards, Rod

**Rod S. Berman** | Chairperson, Intellectual Property Group

**Jeffer Mangels Butler & Mitchell LLP | JMBM**

1900 Avenue of the Stars, 7th Floor, Los Angeles, CA 90067

**D:** (310) 201-3517 | **F:** (310) 712-8517 | **E:** [RBerman@JMBM.com](mailto:RBerman@JMBM.com)

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**From:** Ibrahim, Bassam [<mailto:bassam.ibrahim@bipc.com>]

**Sent:** Thursday, September 03, 2015 5:50 AM

**To:** Berman, Rod S.

**Cc:** Goodman, Florence J.; Maynard, Bryce; Duncan, Sharon; Boothby, Michelle S.

**Subject:** Threshold Enterprises Ltd./Glanbia Ingredients Ltd.; Opposition to OPEN SOURCE Marks (Our Ref.: 1030775-000320)

**Importance:** High

FOR SETTLEMENT ONLY,WITHOUT PREJUDICE:

[REDACTED]

[REDACTED]

[REDACTED]

**Bassam Ibrahim**  
Shareholder

1737 King Street  
Suite 500  
Alexandria, VA 22314-2727  
703 838 6584 (o)  
703 589 8734 (c)  
[bassam.ibrahim@bipc.com](mailto:bassam.ibrahim@bipc.com)

[vCard](#) | [Bio](#) | [BIPC.com](#) | [Twitter](#) | [LinkedIn](#)

**Buchanan Ingersoll & Rooney PC**

KNOW GREATER PARTNERSHIP

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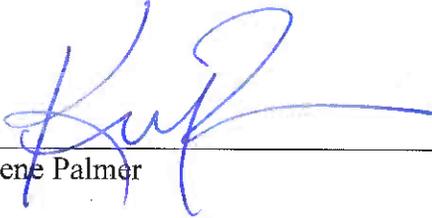
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**CERTIFICATE OF SERVICE**

It is hereby certified that on **December 4, 2015**, a copy of the foregoing OPPOSER'S MOTION TO EXTEND CASE MANAGEMENT DATES has been sent by first class mail, postage prepaid, to Applicant's attorney of record, as follows:

Bassam N. Ibrahim  
Buchanan Ingersoll & Rooney, PC  
P.O. Box 1404  
Alexandria, VA 22313-1404

  
\_\_\_\_\_  
Kerene Palmer