

ESTTA Tracking number: **ESTTA772926**

Filing date: **09/26/2016**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Threshold Enterprises Ltd.
Granted to Date of previous extension	09/25/2016
Address	23 Janis Way Scotts Valley, CA 95066 UNITED STATES

Attorney information	Erica Connolly Arnold & Porter LLP 3 Embarcadero Ctr. 10th Floor San Francisco, CA 94111 UNITED STATES trademarkdocketing@aporter.com, erica.connolly@aporter.com, monty.agarwal@aporter.com, bryan.gresham@aporter.com Phone:(415) 471-3100
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Applicant Information

Application No	86424572	Publication date	03/29/2016
Opposition Filing Date	09/26/2016	Opposition Period Ends	09/25/2016
Applicant	Planet Source 4801 NW 117Th Ave Coral Springs, FL 33076 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. First Use: 2013/05/15 First Use In Commerce: 2013/06/05
All goods and services in the class are opposed, namely: Dietary supplements; Herbal supplements; Mineral supplements; Nutritional supplements; Vitamins

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1909705	Application Date	05/12/1994
Registration Date	08/08/1995	Foreign Priority Date	NONE
Word Mark	SOURCE NATURALS		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 1982/01/01 First Use In Commerce: 1982/01/01 vitamins, herbs and nutritional supplements

U.S. Registration No.	3930397	Application Date	03/03/2009
Registration Date	03/15/2011	Foreign Priority Date	NONE

Word Mark	SOURCE NATURALS
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Design Mark	<h1>SOURCE NATURALS</h1>
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Description of Mark	NONE
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Goods/Services	Class 003. First use: First Use: 2002/03/06 First Use In Commerce: 2002/03/06 cosmetics, namely, ointments, gels, creams, lotions, moisturizers, oils, serums, salves and bath oils, all of which are used for the skin
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U.S. Registration No.	4837774	Application Date	07/10/2014
Registration Date	10/20/2015	Foreign Priority Date	NONE

Word Mark	SOURCE
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Design Mark	<h1>SOURCE</h1>
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Description of Mark	NONE
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Goods/Services	<p>Class 005. First use: First Use: 2015/08/21 First Use In Commerce: 2015/08/28 Dietary supplements; herbal supplements; nutritional supplements; food supplements; vitamins</p> <p>Class 035. First use: First Use: 2015/08/21 First Use In Commerce: 2015/08/28 Wholesale distributorship and mail order catalog services in the field of dietary, herbal, nutritional, and food supplements and vitamins</p>
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Attachments	77682619#TMSN.png(bytes) 86333714#TMSN.png(bytes) Threshold Opp. to Planet Source--No. 86424572.pdf(24925 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Erica Connolly/
Name	Erica Connolly
Date	09/26/2016

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

In the matter of trademark application Serial No. 86/424,572
Filed October 15, 2014
Mark PLANET SOURCE
Published in the Official Gazette on March 29, 2016

Threshold Enterprises Ltd.,)	
)	
Opposer,)	
)	Opposition No. _____
vs.)	
)	
Planet Source,)	
)	
Applicant.)	
_____)	

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

NOTICE OF OPPOSITION

In the matter of U.S. Trademark Application Serial No. 86/424,572 for the mark PLANET SOURCE in the name of Planet Source, a Florida sole proprietorship composed of Nestor Rodrigo (“Applicant”), which was published for opposition in the Official Gazette on March 29, 2016. Threshold Enterprises Ltd. (“Threshold Enterprises”), a corporation of Delaware with its principal place of business at 23 Janis Way, Scotts Valley, California 95066, believes it will be damaged by the registration of the mark in Serial No. 86/424,572 and hereby opposes the same, in accordance with Section 13 of the Trademark (Lanham) Act of 1946, 15 U.S.C. §1063.

Notice of Opposition
Serial No. 86/424,572

As grounds for the opposition, Threshold Enterprises alleges as follows:

1. On information and belief, Applicant's residence and/or principal place of business is 4801 NW 117th Ave., Coral Springs, Florida 33076.

2. Applicant filed Serial No. 86/424,572 on October 15, 2014, seeking registration of PLANET SOURCE for "Dietary supplements; Herbal supplements; Mineral supplements; Nutritional supplements; Vitamins" in International Class 005.

3. Threshold Enterprises is the owner of incontestable U.S. Trademark Registration No. 1,909,705 for SOURCE NATURALS for "vitamins, herbs and nutritional supplements." SOURCE NATURALS was originally registered by Source Naturals, Inc., a wholly owned subsidiary of Threshold Enterprises, and was later assigned to Threshold Enterprises. This registration is valid, subsisting, incontestable, uncancelled and conclusive evidence of Threshold Enterprises' exclusive right to use SOURCE NATURALS in commerce or in connection with the goods specified in the registration.

4. Since at least thirty-one years prior to Applicant's filing date for Serial No. 86/424,572, Threshold Enterprises adopted and has continuously used its SOURCE NATURALS mark and its trade name SOURCE NATURALS, INC. in connection with vitamins, herbs and nutritional supplements. SOURCE NATURALS is a prominent national brand, with products available nationwide in all major markets.

5. Threshold Enterprises is the owner of U.S. Trademark Registration No. 3,930,397 for SOURCE NATURALS for "cosmetics, namely, ointments, gels, creams, lotions, moisturizers, oils, serums, salves and bath oils, all of which are used for the skin." This registration is valid, subsisting, uncancelled and conclusive evidence of Threshold Enterprises'

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exclusive right to use SOURCE NATURALS in commerce or in connection with the goods specified in the registration.

6. Since at least eleven years prior to Applicant's filing date for Serial No. 86/424,572, Threshold Enterprises adopted and has continuously used its SOURCE NATURALS mark in connection with cosmetics, namely, ointments, gels, creams, lotions, moisturizers, oils, serums, salves and bath oils, all of which are used for the skin. SOURCE NATURALS is a prominent national brand, with products available nationwide in all major markets.

7. Threshold Enterprises is the owner of U.S. Trademark Registration No. 4,837,774 for SOURCE for "Dietary supplements; herbal supplements; nutritional supplements; food supplements; vitamins" in International Class 5 and "Wholesale distributorship and mail order catalog services in the field of dietary, herbal, nutritional, and food supplements and vitamins" in International Class 35. This registration is valid, subsisting, uncanceled and conclusive evidence of Threshold Enterprises' exclusive right to use SOURCE in commerce or in connection with the goods specified in the registration.

8. Threshold Enterprises has invested substantial amounts of time, effort and money in developing, marketing, promoting and protecting its SOURCE NATURALS and SOURCE marks and SOURCE NATURALS, INC. trade name throughout the United States. As such, in addition to the protection afforded Threshold Enterprises by its federal trademark registration of SOURCE NATURALS and SOURCE, Threshold Enterprises has extensive, non-registered statutory and common law rights in its SOURCE NATURALS and SOURCE marks and SOURCE NATURALS, INC. trade name.

9. Applicant's mark so resembles Threshold Enterprises' SOURCE NATURALS

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and SOURCE marks that it is likely to cause confusion, or to cause mistake or deceive within the meaning of Section 2(d) of the Trademark (Lanham) Act of 1946, 15 U.S.C. §1052(d); and more particularly, Applicant's mark and use thereof are likely to cause confusion in, or to cause mistake by, or to deceive the trade and purchasing public into believing that the goods/services in Serial No. 86/424,572 originate with or are affiliated with Threshold Enterprises, or otherwise are authorized, licensed or sponsored by Threshold Enterprises.

10. By reasons of the foregoing, Threshold Enterprises will be gravely damaged by the registration of PLANET SOURCE for the goods in Serial No. 86/424,572, because registration of that mark would be in violation of Threshold Enterprises' trademark rights.

WHEREFORE, Threshold Enterprises prays that this Notice of Opposition be sustained in favor of Threshold Enterprises and that Serial No. 86/424,572 be denied registration.

You are hereby authorized to deduct the \$300 fee for filing this Opposition, and any additional fees necessary to process this Notice, from Deposit Account No. 502387 in the name of Arnold Porter LLP.

Respectfully submitted,

THRESHOLD ENTERPRISE LTD.

September 26, 2016

/s/

Erica Connolly
ARNOLD & PORTER LLP
Three Embarcadero Center; 10th Floor
San Francisco, California 94111
Phone: (415) 471-3100
Fax: (415) 471-3400
E-Mail: erica.connolly@aporter.com

Attorneys for Opposer

PROOF OF SERVICE

I am over eighteen years of age and not a party to this action. I am employed in San Francisco, California. My business address is Three Embarcadero Center, 10th Floor, San Francisco, California 94111. I am readily familiar with the practice of this office for collection and processing of correspondence for mail delivery, and they are deposited that same day in the ordinary course of business.

On September 26, 2016, I served the following document(s):

NOTICE OF OPPOSITION

I served the document(s) on the following person(s):

Planet Source
4801 NW 117th Ave.
Coral Springs, FL 33076-3529

(BY MAIL) by causing a true and correct copy of the above to be placed in the United States Mail at San Francisco, California in sealed envelope(s) with postage prepaid, addressed listed above.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct.

Executed this 26th day of September, 2016 in San Francisco, California.

/s/ Bryan J. Gresham

Bryan J. Gresham