

ESTTA Tracking number: **ESTTA943329**

Filing date: **12/21/2018**

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	12/26/2018
Address	23 Janis Way Scotts Valley, CA 95066 UNITED STATES

Attorney information	Rachel Chanin Antolin Agarwal LLP 650 2nd Street # 605 San Francisco, CA 94107 UNITED STATES rchanin@aaclegal.com, magariwal@aaclegal.com 415-237-4007
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Applicant Information

Application No	87866325	Publication date	08/28/2018
Opposition Filing Date	12/21/2018	Opposition Period Ends	12/26/2018
Applicant	Sakara Life, Inc. Suite 210 580 Broadway New York, NY 10012 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Powdered nutritional supplement drink mix containing protein

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.	4837774	Application Date	07/10/2014
Registration Date	10/20/2015	Foreign Priority Date	NONE

Word Mark	SOURCE
Design Mark	<h1>SOURCE</h1>

Description of Mark	NONE
Goods/Services	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 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

U.S. Registration No.	3746446	Application Date	06/26/2009
Registration Date	02/09/2010	Foreign Priority Date	NONE

Word Mark	LIFE FORCE
Design Mark	<h1>LIFE FORCE</h1>

Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 1989/11/00 First Use In Commerce: 1989/11/00 dietary and nutritional supplements

Attachments	86333714#TMSN.png(bytes) 77769286#TMSN.png(bytes) Life Source Notice of Opposition.pdf(77052 bytes)
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Signature	/Rachel Chanin/
Name	Rachel Chanin
Date	12/21/2018

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

In the matter of trademark application Serial No. 87/866,325
Filed April 6, 2018
Mark LIFE SOURCE
Published in the Official Gazette on August 28, 2018

Threshold Enterprises Ltd.,)	
)	
Opposer,)	
)	Opposition No. _____
vs.)	
)	
Sakara Life, Inc.,)	
)	
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. 87/866,325 for the mark LIFE SOURCE, in the name of Sakara Life, Inc., a Delaware corporation (“Applicant”), which was published for opposition in the Official Gazette on August 28, 2018. Threshold Enterprises Ltd. (“Threshold Enterprises”), a corporation of Delaware with its principal place of business at 23 Janis Way, Scotts Valley, California 95066, will be damaged substantially by the registration of the mark in Serial No. 87/866,325 and hereby opposes the same, in accordance with Section 13 of the Trademark (Lanham) Act of 1946, 15 U.S.C. §1063.

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

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Serial No. 87/866,325

1. On information and belief, Applicant is a Delaware corporation doing business at 580 Broadway, Suite 210, New York, NY 10012.

2. Applicant filed Serial No. 87/866,325 on April 6, 2018, seeking registration of LIFE SOURCE for “Powdered nutritional supplement drink mix containing protein” in International Class 005.

3. Threshold Enterprises is also 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, uncanceled and conclusive evidence of Threshold Enterprises’ exclusive right to use SOURCE NATURALS in commerce and in connection with the goods specified in the registration.

4. Since at least thirty-six years prior to Applicant’s filing date for Serial No. 87/866,325, 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 also 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 and in connection with the goods specified in the registration.

6. Threshold Enterprises is also the owner of U.S. Trademark Registration No. 3,746,446 for LIFE FORCE for "dietary and nutritional supplements." This registration is valid, subsisting, incontestable, uncancelled and conclusive evidence of Threshold Enterprises' right to use LIFE FORCE in commerce and in connection with the goods specified in the registration. The products that are marketed using the LIFE FORCE mark are from the SOURCE NATURALS product line and use the SOURCE NATURALS mark on their labels and product literature. These products are often referred to as SOURCE NATURALS LIFE FORCE, SOURCE LIFE FORCE, LIFE FORCE from SOURCE NATURALS, or LIFE FORCE from SOURCE.

7. Furthermore, Threshold Enterprises has adopted and used numerous other marks containing LIFE FORCE in connection with health and nutritional products. Current products in its Life Force family of Products include a variety of nutritional supplements and health products in tablets, capsules, and powders. These include:

LIFE FORCE GREEN MULTIPLE
LIFE FORCE MULTIPLE
LIFE FORCE MULTIPLE, NO IRON
WOMEN'S LIFE FORCE MULTIPLE
MEN'S LIFE FORCE MULTIPLE
LIFE FORCE VEGAN
LIFEFORCE V

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8. Since at least twenty-five years prior to Applicant's filing date for Serial No. 87/866,325, Threshold Enterprises adopted and has continuously used its LIFE FORCE mark in connection with dietary and nutritional supplements. LIFE FORCE is a prominent national brand, with products available nationwide in all major markets.

9. Threshold Enterprises has invested substantial amounts of time, effort and money in developing, marketing, promoting and protecting its LIFE FORCE, 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 LIFE FORCE, SOURCE NATURALS, and SOURCE, Threshold Enterprises has extensive, non-registered statutory and common law rights in its LIFE FORCE, SOURCE NATURALS, and SOURCE marks, and SOURCE NATURALS, INC. trade name.

10. Applicant has no license, consent or permission from Threshold Enterprises to use or register LIFE SOURCE.

11. Applicant's mark so resembles, both visually and by sound pronunciation, Threshold Enterprises' LIFE FORCE mark, alone or conjointly with the SOURCE NATURALS and/or 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. 87/866,325 originate with or are affiliated with Threshold Enterprises, or otherwise are authorized, licensed or sponsored by Threshold Enterprises.

12. By reasons of the foregoing, Threshold Enterprises will be gravely damaged by

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Serial No. 87/866,325

the registration of LIFE SOURCE for the goods in Serial No. 87/866,325, 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. 87/866,325 be denied registration.

Respectfully submitted,

THRESHOLD ENTERPRISES LTD.

Dated: December 21, 2018

By: /Rachel Chanin/

Rachel Chanin
ANTOLIN AGARWAL LLP
650 2nd Street # 605
San Francisco, California 94107
Phone: (415) 237-4007
E-Mail: rchanin@aaclegal.com

Attorneys for Opposer