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

Proceeding	91266170
Party	Defendant Impossible Foods Inc.
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Date	01/29/2021
Attachments	Impossible Foods Answer to Notice of Opposition.pdf(23992 bytes)

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

IMPOSSIBLE X LLC,

Opposer,

v.

IMPOSSIBLE FOODS INC.,

Applicant.

Opposition No. 91266170

Mark: IMPOSSIBLE

Application No. 88855875

ANSWER TO NOTICE OF OPPOSITION

Applicant Impossible Foods Inc. (“Applicant”), owner of application Serial No. 88855875 (the “Application”) for the IMPOSSIBLE trademark (the “Trademark”), by and through its undersigned counsel, hereby answers Opposer Impossible X LLC’s (“Opposer”) Notice of Opposition (“Opposition”) as follows. Applicant denies, except where expressly admitted, each allegation in the Opposition. The following paragraphs are numbered to correspond with the numbered paragraphs found in the Opposition.

As to the first and the last unnumbered paragraphs in the Opposition, these are an introductory statement and a prayer for relief to which no response is required. To the extent a response is required, Applicant denies the assertions in the first and last unnumbered paragraphs in the Opposition.

1. Applicant is without knowledge or information sufficient to form belief as to the truth of the allegations in paragraph 1 of the Opposition and, on that basis, denies them.
2. Applicant is without knowledge or information sufficient to form belief as to the truth of the allegations in paragraph 2 of the Opposition and, on that basis, denies them.

3. Applicant is without knowledge or information sufficient to form belief as to the truth of the allegations in paragraph 3 of the Opposition and, on that basis, denies them.

4. Applicant believes that no response is required to paragraph 4 of the Opposition. To the extent any response is required, Applicant is without knowledge or information sufficient to form belief as to the truth of the allegations in paragraph 4 of the Opposition and, on that basis, denies them.

5. Applicant is without knowledge or information sufficient to form belief as to the truth of the allegations in paragraph 5 of the Opposition and, on that basis, denies them.

6. Applicant is without knowledge or information sufficient to form belief as to the truth of the allegations in paragraph 6 of the Opposition and, on that basis, denies them.

7. Based on a review of the current Trademark Electronic Search System (TESS), Applicant admits that Opposer is the last listed owner of record for U.S. Registration No. 4260617 for the stylized mark IMPOSSIBLE, which registered on December 18, 2012. Applicant is without knowledge or information sufficient to form belief as to the truth of the remaining allegations in paragraph 7 of the Opposition and, on that basis, denies them.

8. Based on a review of the current Trademark Electronic Search System (TESS), Applicant admits that Opposer is the last listed owner of record for U.S. Registration No. 4624158 for the mark IMPOSSIBLE FITNESS, which registered on October 21, 2014. Applicant is without knowledge or information sufficient to form belief as to the truth of the remaining allegations in paragraph 8 of the Opposition and, on that basis, denies them.

9. Based on a review of the current Trademark Electronic Search System (TESS), Applicant admits that Opposer is the last listed owner of record for U.S. Registration No. 5155646 for the mark IMPOSSIBLE X, which registered on March 7, 2017. Applicant is without

knowledge or information sufficient to form belief as to the truth of the remaining allegations in paragraph 9 of the Opposition and, on that basis, denies them.

10. Based on a review of the current Trademark Electronic Search System (TESS), Applicant admits that Opposer is the last listed owner of record for U.S. Registration No. 5179974 for the mark IMPOSSIBLE HQ, which registered on April 11, 2017. Applicant is without knowledge or information sufficient to form belief as to the truth of the remaining allegations in paragraph 10 of the Opposition and, on that basis, denies them.

11. Based on a review of the current Trademark Electronic Search System (TESS), Applicant admits that Opposer is the last listed owner of record for U.S. Registration No. 5376208 for the stylized mark IMPOSSIBLE, which registered on January 9, 2018. Applicant is without knowledge or information sufficient to form belief as to the truth of the remaining allegations in paragraph 11 of the Opposition and, on that basis, denies them.

12. Based on a review of the current Trademark Electronic Search System (TESS), Applicant admits that Opposer is the last listed owner of record for U.S. Registration No. 5387588 for the stylized mark IMPOSSIBLE NUTRITION, which registered on January 23, 2018. Applicant is without knowledge or information sufficient to form belief as to the truth of the remaining allegations in paragraph 12 of the Opposition and, on that basis, denies them.

13. Based on a review of the current Trademark Electronic Search System (TESS), Applicant admits that Opposer is the last listed owner of record for U.S. Registration No. 5576376 for the mark DO SOMETHING IMPOSSIBLE, which registered on October 2, 2018. Applicant is without knowledge or information sufficient to form belief as to the truth of the remaining allegations in paragraph 13 of the Opposition and, on that basis, denies them.

14. Based on a review of the current Trademark Electronic Search System (TESS), Applicant admits that Opposer is the last listed owner of record for U.S. Registration No. 5590801 for the stylized mark IMPOSSIBLE FITNESS, which registered on October 23, 2018, covering the goods stated of record.

15. Based on a review of the current Trademark Electronic Search System (TESS), Applicant admits that Opposer is the last listed owner of record for U.S. Registration No. 5603025 for the mark IMPOSSIBLE FITNESS, which registered on November 6, 2018, covering the goods stated of record.

16. Based on a review of the current Trademark Electronic Search System (TESS), Applicant admits that Opposer is the last listed owner of record for U.S. Registration No. 5620625 for the mark IMPOSSIBLE, which registered on December 4, 2018. Applicant is without knowledge or information sufficient to form belief as to the truth of the remaining allegations in paragraph 16 of the Opposition and, on that basis, denies them.

17. Based on a review of the current Trademark Electronic Search System (TESS), Applicant admits that Opposer is the last listed applicant of record for U.S. App. No. 87884481 for the motion mark IMPOSSIBLE, which was filed on April 19, 2018. Applicant is without knowledge or information sufficient to form belief as to the truth of the remaining allegations in paragraph 17 of the Opposition and, on that basis, denies them.

18. Applicant admits that on April 1, 2020, it filed the Application on an intent-to-use basis. The Application speaks for itself.

19. Applicant admits that the Application covers “Providing information about recipes, ingredients and cooking information; providing an online computer database to

consumers featuring information about recipes, ingredients and cooking information” in International Class 43. The Application speaks for itself.

20. Applicant denies the allegations in paragraph 20 of the Opposition.

21. Applicant denies the allegations in paragraph 21 of the Opposition.

22. Applicant denies the allegations in paragraph 22 of the Opposition.

23. Applicant denies the allegations in paragraph 23 of the Opposition.

24. Paragraph 24 calls for a legal conclusion to which no response is required. To the extent a response is required, Applicant denies the allegations in paragraph 24 of the Opposition.

25. Applicant denies the allegations in paragraph 25 of the Opposition.

26. Paragraph 26 calls for a legal conclusion to which no response is required. To the extent a response is required, Applicant denies the allegations in paragraph 26 of the Opposition.

27. Applicant denies the allegations in paragraph 27. The Application was filed on a valid 1(b) intent-to-use basis and speaks for itself.

Applicant reserves the right to amend its Answer to add Affirmative Defenses that become known through discovery or other means.

WHEREFORE, Applicant respectfully requests that the Opposition be dismissed in its entirety with prejudice.

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DATED: January 29, 2021

Respectfully submitted by,

PERKINS COIE LLP

/ L. Omar Cojulun /

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Attorneys for Applicant Impossible Foods Inc.

CERTIFICATE OF SERVICE

The undersigned affirms that the ANSWER TO NOTICE OF OPPOSITION was served on Opposer Impossible X LLC, by emailing a copy to David E. Weslow, Wiley Rein LLP, at dweslow@wiley.law, akosak@wiley.law, and tmdocket@wiley.law, as required pursuant to 37 CFR § 2.119 and Trademark Trial and Appeal Board Manual of Procedure § 113.04, on the date set forth below.

Dated: January 29, 2021

/ L. Omar Cojulun /

L. Omar Cojulun