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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.
Correspondence Address	GRACE HAN STANTON PERKINS COIE LLP 1201 THIRD AVENUE, SUITE 4900 SEATTLE, WA 98101 UNITED STATES Primary Email: pctrademarks@perkinscoie.com Secondary Email(s): GStanton@perkinscoie.com, LCojulun@perkinscoie.com, 206-359-8000
Submission	Motion to Suspend for Civil Action
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Signature	/Grace Han Stanton/
Date	04/02/2021
Attachments	2021-04-02 Motion to Suspend.pdf(115650 bytes ) Exhibit A.pdf(1933419 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. 88/855,875

**APPLICANT’S MOTION TO SUSPEND FOR CIVIL ACTION**

Applicant Impossible Foods Inc. (“Applicant” or “Impossible Foods”), owner of application Serial No. 88/855,875 (the “Application”) for the IMPOSSIBLE trademark (the “Mark”), by and through its undersigned counsel, hereby moves pursuant to Trademark Rule 2.117(a) (37 C.F.R. § 2.117(a)) and Trademark Board Manual of Procedure (“T.B.M.P.”) § 510.02(a), that the Board suspend the above-captioned proceeding (the “Proceeding”), pending the disposition of the civil action in the Northern District of California between the same parties, captioned as *Impossible Foods Inc. v. Impossible X LLC*, Case No. 3:21-cv-02419, which raises issues of fact and law that will bear on the issues presented in the Proceeding.

The Board may suspend proceedings when the parties are engaged in a civil action that may have a bearing on the case. *See* 37 C.F.R. § 2.117(a); T.B.M.P. § 510.02(a). Here, the parties to the Proceeding are the same parties to the civil action, and the marks involved in the Proceeding are the same as those at issue in the civil action. Moreover, Impossible Foods has requested that the district court take action with respect to the parties’ marks that are the subjects of the Proceeding, namely, to make a declaration of non-infringement as to the Mark in relation to certain goods and services, including those covered by the Application.

As grounds for this motion, Applicant states as follows:

1. On April 1, 2020, Applicant filed the Application for the Mark in connection with “[p]roviding 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. *See* Serial No. 88/855,875.

2. On November 25, 2020, Opposer Impossible X LLC’s (“Opposer” or “Impossible X”) filed a Notice of Opposition to the Application (“Opposition”) based on alleged prior rights in IMPOSSIBLE and IMPOSSIBLE formative marks (“Opposer’s Marks”) and the alleged likelihood of confusion that would result from the registration of the Mark. *See* Opposition No. 91266170.

3. On April 2, 2021, Impossible Foods filed a complaint in the Northern District of California captioned as *Impossible Foods Inc. v. Impossible X LLC*, Case No. 3:21-cv-02419, seeking a declaration that its IMPOSSIBLE mark in relation to recipes, food ingredients and cooking information is not likely to cause confusion with Opposer’s Marks. Attached as Exhibit A is a copy of the complaint from the civil action in accordance with T.B.M.P. § 510.02(a).

4. Applicant submits that the determination of the civil action will bear on the issues before the Board in the Proceeding because both the civil action and the Proceeding involve a determination of the parties’ rights in and the likelihood of confusion between their respective marks.

WHEREFORE, for all the foregoing reasons, Applicant respectfully submits that there is good cause for suspension and requests that the Board grant its motion and suspend the Proceeding pending the disposition of the federal court action pending in the Northern District of California.

DATED: April 2, 2021

Respectfully submitted by,

PERKINS COIE LLP

/Grace Han Stanton/

Grace Han Stanton  
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PCTrademarks@perkinscoie.com

*Attorneys for Applicant Impossible Foods Inc.*

### **CERTIFICATE OF SERVICE**

The undersigned affirms that the MOTION TO SUSPEND 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: April 2, 2021

/Grace Han Stanton/

Grace Han Stanton

# Exhibit A

Impossible X LLC v. Impossible Foods Inc.  
Opposition No. 91266170

Applicant's Motion to Suspend for Civil Action

1 DAVID H. KRAMER, State Bar No. 168452  
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7 Attorneys for Plaintiff  
8 IMPOSSIBLE FOODS INC.

9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

12 IMPOSSIBLE FOODS INC. a Delaware ) Case No.  
corporation, )  
13 Plaintiff, ) **COMPLAINT FOR**  
14 v. ) **DECLARATORY RELIEF**  
15 IMPOSSIBLE X LLC, an Illinois limited ) **DEMAND FOR JURY TRIAL**  
liability company, )  
16 Defendant. )

17  
18  
19 Plaintiff Impossible Foods Inc. (“Impossible Foods”) brings this Complaint against  
20 defendant Impossible X LLC (“Impossible X” or “Defendant”) and alleges, on personal  
21 knowledge as to its own actions and on information and belief as to the actions of others, as  
22 follows:

23 **THE PARTIES**

24 1. Plaintiff Impossible Foods is a Delaware corporation with its principal place of  
25 business at 400 Saginaw Drive, Redwood City, California. Impossible Foods develops and  
26 distributes plant-based substitutes for meat products.

27 2. Defendant Impossible X LLC (“Impossible X”) is an Illinois limited liability  
28 company with its principal place of business at 1231 Champion Forest Court, Wheaton, Illinois.

1 Impossible X holds itself out as a marketing consulting business specializing in search engine  
2 optimization. It purports also to provide information relating to exercise and fitness via its  
3 website.

4 3. Impossible Foods brings this action for declaratory relief to protect its valuable and  
5 well-known IMPOSSIBLE brand against groundless trademark threats by Impossible X.  
6 Impossible Foods has longstanding, strong, and well-recognized rights to the IMPOSSIBLE  
7 trademark. In particular, Impossible Foods has used a family of IMPOSSIBLE-related marks,  
8 including its well-known IMPOSSIBLE BURGER mark, with national rights dating at least to  
9 2013, and it owns six federal trademark registrations for these marks. During this time,  
10 Impossible Foods has invested millions of dollars in building and promoting these trademarks.

11 4. Impossible X has nonetheless (1) asserted that it has superior rights to the  
12 IMPOSSIBLE mark; (2) accused Impossible Foods of trademark infringement; and (3) initiated a  
13 proceeding at the United States Patent and Trademark Office (“USPTO”) opposing Impossible  
14 Foods’ federal trademark application for the IMPOSSIBLE mark in connection with recipes, food  
15 ingredients, and cooking information.

16 5. Accordingly, Impossible Foods seeks a declaration that its use and registration of  
17 the trademark IMPOSSIBLE in connection with recipes, food ingredients, and cooking  
18 information do not, and will not, infringe upon or otherwise violate Impossible X’s purported  
19 trademark rights.

#### 20 **JURISDICTION AND VENUE**

21 6. This court has original jurisdiction over the claim for declaratory relief under  
22 28 U.S.C. §§ 2201 and 2202 (the Declaratory Judgment Act) and 15 U.S.C. § 1051 et seq. (the  
23 Trademark Act), as well as under 28 U.S.C. §§ 1331 and 1338, because Impossible Foods brings  
24 the action to determine a question of actual controversy between the parties arising under the  
25 trademark laws of the United States.

26 7. Impossible Foods’ claim for relief arises directly from Impossible X’s contacts with  
27 California, including its demands and threats made to Impossible Foods in California. Further,  
28

1 Impossible X has challenged the right of Impossible Foods, a California-based company, to  
2 provide services under its IMPOSSIBLE trademark to California consumers and nationally.

3 8. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) because  
4 a substantial part of the events giving rise to this complaint occurred in this judicial district.

### 5 **INTRA-DISTRICT ASSIGNMENT**

6 9. This is an Intellectual Property Action and thus may be assigned to a division of the  
7 Court on a district-wide basis.

### 8 **BACKGROUND**

#### 9 **The IMPOSSIBLE Brand**

10 10. Impossible Foods is a pioneer, in particular, in the field of plant-based substitutes  
11 for meat products. The company's aim is to give people the taste and nutritional benefits of meat  
12 without the negative health and environmental impacts associated with products from livestock.

13 11. Impossible Foods has enjoyed extraordinary commercial success. The company's  
14 signature product, the IMPOSSIBLE BURGER, is available in grocery stores across the United  
15 States, including Safeway, Walmart, Costco, and Trader Joe's. The IMPOSSIBLE BURGER  
16 product is also sold at thousands of restaurants, ranging from popular fast-food chains such as  
17 Burger King and Starbucks to high-end culinary establishments run by celebrity chefs.

18 12. Impossible Foods' IMPOSSIBLE mark has received considerable publicity. The  
19 mark has been featured in prominent national news coverage, including in *The New York Times*,  
20 *The Los Angeles Times*, *The Wall Street Journal*, *San Jose Mercury News*, *San Francisco*  
21 *Chronicle*, *Bloomberg*, *Reuters*, *FORTUNE*, *Forbes*, *Time*, and *USA Today*, as well as on national  
22 television networks.

23 13. Impossible Foods has, continuously since at least as early as 2015, used the mark  
24 IMPOSSIBLE in commerce to promote a variety of food products and services. The company's  
25 products include the IMPOSSIBLE BURGER, IMPOSSIBLE SAUSAGE, IMPOSSIBLE TASTE  
26 PLACE, and IMPOSSIBLE PORK.

27 14. Impossible Foods also uses the IMPOSSIBLE mark with recipes that it provides for  
28 free via its website at [www.impossiblefoods.com](http://www.impossiblefoods.com).



1 15. As a result of the success of Impossible Foods’ various food products, the  
2 IMPOSSIBLE mark has become well-known in the marketplace.

3 16. Impossible Foods has filed a total of 49 applications for IMPOSSIBLE -related  
4 marks, from the earliest application for IMPOSSIBLE on October 25, 2013 (See Reg. No.  
5 5459255 in Ex. A), to the most recent application for IMPOSSIBLE BEEF on September 15, 2020  
6 (Ser. No. 90183070). Impossible Foods is the owner of two federal trademark registrations for the  
7 mark IMPOSSIBLE (Registration No. 5370337 and 5459255). True and correct copies of  
8 Impossible Foods’ Certificates of Registration for its IMPOSSIBLE -related marks are attached  
9 hereto as Exhibit A and incorporated by reference.

10 17. Impossible Foods owns common-law rights to the following distinctive  
11 presentation of the IMPOSSIBLE mark:

12 **IMPOSSIBLE™**  
13  
14

15 Impossible Foods has used this presentation of the IMPOSSIBLE mark since at least as early as  
16 2016.

17 18. Impossible Foods’ right to use the IMPOSSIBLE mark with services relating to  
18 recipes, food ingredients, and cooking information are senior to those now claimed and asserted by  
19 Impossible X.

20 19. Impossible Foods intends to continue using the IMPOSSIBLE mark in connection  
21 with its products and services, including those related to recipes, food ingredients, and cooking  
22 information.

23 **Impossible X’s Assertion of Purported Trademark Rights and an Infringement Claim**  
24 **Relating to Recipes, Food Ingredients, and Cooking Information**

25 20. On November 10, 2020, over five years after Impossible Foods commenced use of  
26 its IMPOSSIBLE mark, Impossible X, through its counsel, sent a demand letter to Impossible  
27 Foods. The letter accused Impossible Foods of “encroachment into spaces either occupied by or  
28 closely related to goods and services offered by Impossible X,” which, it said, “greatly increases

1 the likelihood of confusion.” Impossible X also referenced, without providing details, “several  
2 apparent instances of actual confusion.”

3 21. Impossible X demanded in the letter that Impossible Foods “cease all use of its  
4 confusingly similar IMPOSSIBLE designs (i.e., uses without “FOODS” in stylizations that mimic  
5 Impossible X’s marks) and limit the use of its IMPOSSIBLE mark to only use in association with  
6 plant-based food substitutes.”

7 22. Weeks later, on November 25, 2020, Impossible X filed with the Trademark Trial  
8 and Appeal Board of the USPTO a Notice of Opposition against Impossible Foods’ trademark  
9 application for the mark IMPOSSIBLE, which covers the following:

- 10 • “Providing information about recipes, ingredients and cooking information; providing an  
11 online computer database to consumers featuring information about recipes, ingredients  
and cooking information” in International Class 43.

12 A true and correct copy of the disputed trademark application is attached hereto as Exhibit B, and  
13 a true and correct copy of the Notice of Opposition filed by Impossible X is attached hereto as  
14 Exhibit C. Both of these USPTO filings are incorporated by reference.

15 23. In its Notice of Opposition, Impossible X alleges that it has used its “IMPOSSIBLE  
16 Marks in association with nutrition, food, and cooking resources since 2010 including publication  
17 of guides to different foods, ingredients, diets, and recipes.” See Exhibit C.

18 24. In its Notice of Opposition, Impossible X alleges ownership of 10 trademark  
19 registrations and 1 pending application. None of the filings, however, identify goods or services  
20 relating to food or cooking. See Exhibit C.

21 25. In its Notice of Opposition, Impossible X also alleges:

- 22 • That Impossible Foods lacks “any constructive or actual right” in the  
23 IMPOSSIBLE trademark;  
24 • That “[t]here is no issue of priority.”; and  
25 • That registration of Impossible Foods’ IMPOSSIBLE trademark in connection  
26 with the applied-for services “would result in irreparable damage to  
27 Impossible X as consumers would be likely to consider the services offered  
28

1 under the registered mark as emanating from Impossible X, and purchase such  
2 services, resulting in a loss to Impossible X.”

3 See Exhibit C.

4 26. In connection with these allegations, Impossible X has demanded that Impossible  
5 Foods alter the presentation of its trademark and stop using the IMPOSSIBLE trademark with any  
6 goods or services other than plant-based food products.

7 27. To the extent Impossible X has ever used an IMPOSSIBLE mark with recipes, food  
8 ingredients, or cooking information, that use has been sporadic and *de minimis*, at best. Notably,  
9 the websites located at <impossiblex.com> and <impossiblehq.com>, which both appear to be  
10 operated by Impossible X, do not provide any information relating to food or cooking; the website  
11 at the latter address includes a link to “Shop Nutrition,” which resolves to a page that says “Sorry,  
12 there are no products in this collection” and invites visitors to “Get Early Access.”

13 **FIRST CLAIM FOR RELIEF**

14 **(Declaratory Relief)**

15 28. Impossible Foods realleges and incorporates by reference the allegations of the  
16 preceding paragraphs as though fully set forth herein.

17 29. As a result of the actions and statements of Impossible X, which include allegations  
18 of trademark infringement and challenges to Impossible Foods’ commercial use and registration of  
19 its IMPOSSIBLE mark in connection with recipes, food ingredients, and cooking information,  
20 there is an actual controversy between Impossible Foods and Impossible X as to the parties’ rights  
21 and legal relations associated with each party’s use of the IMPOSSIBLE mark. Under all of the  
22 circumstances, an immediate, real and substantial controversy exists between the parties, who  
23 have adverse legal interests.

24 30. Impossible Foods has used and intends to continue to use the IMPOSSIBLE mark  
25 in interstate commerce.

26 31. Impossible X’s position is that Impossible Foods has made use of the mark  
27 IMPOSSIBLE in a manner justifying Impossible X to sue Impossible Foods immediately for  
28 trademark infringement and other legal violations.

1 32. Impossible Foods' use of the IMPOSSIBLE mark in its stylized form and/or in  
2 connection with recipes, food ingredients, and cooking information does not infringe on, dilute, or  
3 violate any federal or state trademark, trade name, or related rights of Impossible X.

4 33. Impossible Foods' rights to the IMPOSSIBLE mark are superior to the rights that  
5 Impossible X now alleges.

6 34. An actual justiciable controversy within the meaning of 18 U.S.C. § 2201 exists  
7 between Impossible Foods and Impossible X concerning the use of the IMPOSSIBLE mark and  
8 the respective trademark rights of the parties. A judicial determination is necessary and  
9 appropriate at this time in order to resolve the issues of the trademark rights of Impossible Foods  
10 and the conflicting claims of Impossible X, and in order that the parties may ascertain their  
11 respective rights and obligations if any.

12 35. Impossible Foods does not engage in any activities that harm or threaten any  
13 lawful rights of Impossible X and is entitled to a declaration to that effect in this action.

14 **PRAYER FOR RELIEF**

15 Impossible Foods prays for judgment as follows:

16 (a) That this Court declare that Impossible Foods' use and registration of the  
17 IMPOSSIBLE mark with services relating to recipes, food ingredients, and cooking information do  
18 not infringe upon, dilute, or otherwise violate any valid right of Impossible X under applicable  
19 federal or state law.

20 (b) That this Court declare that Impossible Foods' rights in the IMPOSSIBLE mark are  
21 superior to the rights Impossible X alleges in the field of recipes, food ingredients, and cooking  
22 information.

23 (c) That this Court declare that Impossible Foods' activities have not caused any harm  
24 to Impossible X or unjust enrichment to Impossible Foods.

25 (d) That this Court declare that Impossible Foods is not liable to Impossible X.

26 (e) That this Court declare that Impossible X's trademark registrations in Registration  
27 Nos. 5376208, 5387588, and 5620625 be cancelled, in whole or in part, on grounds of  
28 abandonment and/or non-use of the trademarks in commerce.

1 (f) That this Court award to Impossible Foods its reasonable costs, disbursements, and  
2 attorneys' fees incurred in defending its rights to the IMPOSSIBLE mark against the claims and  
3 allegations of Impossible X.

4 (g) That this Court grant such other and further relief as this Court may deem just and  
5 proper.

6  
7 Dated: April 2, 2021

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

8  
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10 By: /s/ John L. Slafsky  
DAVID H. KRAMER  
11 JOHN L. SLAFSKY  
BRANDON P. LEAHY

12 Attorneys for Plaintiff  
13 IMPOSSIBLE FOODS INC.  
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**DEMAND FOR JURY TRIAL**

Impossible Foods hereby demands trial by jury of all issues triable by a jury.

Dated: April 2, 2021

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By: /s/ John L. Slafsky  
DAVID H. KRAMER  
JOHN L. SLAFSKY  
BRANDON P. LEAHY

Attorneys for Plaintiff  
IMPOSSIBLE FOODS INC.

# **EXHIBIT A**

# United States of America

United States Patent and Trademark Office

## IMPOSSIBLE

**Reg. No. 5,370,337**

**Registered Jan. 02, 2018**

**Int. Cl.: 43**

**Service Mark**

**Principal Register**

Impossible Foods Inc. (DELAWARE CORPORATION)  
525 Chesapeake Drive  
Redwood City, CALIFORNIA 94063

CLASS 43: Providing of food and drink via a mobile truck; catering services

FIRST USE 11-3-2016; IN COMMERCE 11-3-2016

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

SER. NO. 86-286,900, FILED 05-20-2014



*Joseph Matal*

Performing the Functions and Duties of the  
Under Secretary of Commerce for  
Intellectual Property and Director of the  
United States Patent and Trademark Office



**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.

**\*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 United States Patent and Trademark Office (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>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**

# United States of America

United States Patent and Trademark Office

## IMPOSSIBLE

**Reg. No. 5,459,255**

IMPOSSIBLE FOODS INC. (DELAWARE CORPORATION)

**Registered May 01, 2018**

525 Chesapeake Drive  
Redwood City, CALIFORNIA 94063

**Int. Cl.: 29**

CLASS 29: Substitutes for foods made from animals or animal products, namely, vegetable-based burger patties; meat substitutes

**Trademark**

FIRST USE 10-29-2015; IN COMMERCE 6-27-2016

**Principal Register**

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

SER. NO. 86-102,158, FILED 10-25-2013



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office

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- **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.

**\*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 United States Patent and Trademark Office (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/>.

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# United States of America

## United States Patent and Trademark Office

IMPOSSIBLE TASTE PLACE

**Reg. No. 6,120,723**

**Registered Aug. 04, 2020**

**Int. Cl.: 35**

**Service Mark**

**Principal Register**

Impossible Foods Inc. (DELAWARE CORPORATION)  
400 Saginaw Drive  
Redwood City, CALIFORNIA 94063

CLASS 35: Loyalty, incentive and bonus program services; administration of a customer loyalty program which provides monetary and non-monetary rewards for purchase, advocacy and referrals for T-shirts, socks, fanny packs, water bottles, tote bags, stickers, pins and sweepstakes events and experiences; arranging and conducting incentive reward programs to promote the sale of burgers and other products at restaurants and grocery stores and other retail and food establishments; business administration of consumer loyalty programs; business administration of consumer loyalty programs involving discounts or incentives; customer loyalty program services for commercial, promotional or advertising purposes; customer loyalty and incentive program services for commercial, promotional or advertising purposes; customer loyalty, discount and incentive program services for commercial, promotional or advertising purposes

FIRST USE 1-6-2020; IN COMMERCE 1-6-2020

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

OWNER OF U.S. REG. NO. 5370337, 5459255

SER. NO. 88-978,056, FILED 05-31-2019



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office



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**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.

**\*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 United States Patent and Trademark Office (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>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**

# United States of America

## United States Patent and Trademark Office



**Reg. No. 6,120,724**

**Registered Aug. 04, 2020**

**Int. Cl.: 35**

**Service Mark**

**Principal Register**

Impossible Foods Inc. (DELAWARE CORPORATION)  
400 Saginaw Drive  
Redwood City, CALIFORNIA 94063

CLASS 35: Loyalty, incentive and bonus program services; administration of a customer loyalty program which provides monetary and non-monetary rewards for purchase, advocacy and referrals for t-shirts, socks, fanny packs, water bottles, tote bags, stickers, pins and sweepstakes events and experiences; arranging and conducting incentive reward programs to promote the sale of burgers and other products at restaurants and grocery stores and other retail and food establishments; business administration of consumer loyalty programs; business administration of consumer loyalty programs involving discounts or incentives; customer loyalty program services for commercial, promotional or advertising purposes; customer loyalty and incentive program services for commercial, promotional or advertising purposes; customer loyalty, discount and incentive program services for commercial, promotional or advertising purposes

FIRST USE 1-6-2020; IN COMMERCE 1-6-2020

The mark consists of the words "IMPOSSIBLE TASTE PLACE" in stylized fonts in a stacked formation with the word "IMPOSSIBLE" above the word "TASTE", and the word "TASTE" above the word "PLACE", and with "TASTE PLACE" in a larger font.

OWNER OF U.S. REG. NO. 5370337, 5459255

SER. NO. 88-978,057, FILED 05-31-2019



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office



**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.

**\*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 United States Patent and Trademark Office (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>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**

# United States of America

## United States Patent and Trademark Office



**Reg. No. 6,120,725**

**Registered Aug. 04, 2020**

**Int. Cl.: 35**

**Service Mark**

**Principal Register**

Impossible Foods Inc. (DELAWARE CORPORATION)  
400 Saginaw Drive  
Redwood City, CALIFORNIA 94063

CLASS 35: Loyalty, incentive and bonus program services; administration of a customer loyalty program which provides monetary and non-monetary rewards for purchase, advocacy and referrals for t-shirts, socks, fanny packs, water bottles, tote bags, stickers, pins and sweepstakes events and experiences; arranging and conducting incentive reward programs to promote the sale of burgers and other products at restaurants and grocery stores and other retail and food establishments; business administration of consumer loyalty programs; business administration of consumer loyalty programs involving discounts or incentives; customer loyalty program services for commercial, promotional or advertising purposes; customer loyalty and incentive program services for commercial, promotional or advertising purposes; customer loyalty, discount and incentive program services for commercial, promotional or advertising purposes

FIRST USE 1-6-2020; IN COMMERCE 1-6-2020

The color(s) shades of light blue, shades of pink, dark red, and black is/are claimed as a feature of the mark.

The mark consists of an image of a salivating tongue in shades of pink and dark red, with a black mouth and with the words "IMPOSSIBLE TASTE PLACE" in stylized black fonts in a stacked formation to the right of the tongue image, with the word "IMPOSSIBLE" above the word "TASTE", and the word "TASTE" above the word "PLACE", and with "TASTE PLACE" in a larger font. The salivation consists of water drops in shades of light blue.

OWNER OF U.S. REG. NO. 5370337, 5459255

SER. NO. 88-978,058, FILED 05-31-2019



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office





**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.

**\*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 United States Patent and Trademark Office (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>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**

# United States of America

United States Patent and Trademark Office

## IMPOSSIBLE BURGER

**Reg. No. 6,211,591**

**Registered Dec. 01, 2020**

**Int. Cl.: 29**

**Trademark**

**Principal Register**

Impossible Foods Inc. (DELAWARE CORPORATION)  
400 Saginaw Drive  
Redwood City, CALIFORNIA 94063

CLASS 29: Substitutes for food, namely, plant-based meat substitutes

FIRST USE 7-00-2016; IN COMMERCE 7-00-2016

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

OWNER OF U.S. REG. NO. 5459255

No claim is made to the exclusive right to use the following apart from the mark as shown: "BURGER"

SER. NO. 87-983,509, FILED 05-16-2018



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office



**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.

**\*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 United States Patent and Trademark Office (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/>.

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**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**

# **EXHIBIT B**

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1478 (Rev 09/2006)

OMB No. 0651-0009 (Exp 02/28/2021)

## Trademark/Service Mark Application, Principal Register

Serial Number: 88855875

Filing Date: 04/01/2020

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	88855875
<b>MARK INFORMATION</b>	
*MARK	<a href="#">IMPOSSIBLE</a>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	IMPOSSIBLE
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Impossible Foods Inc.
*MAILING ADDRESS	400 Saginaw Drive
*CITY	Redwood City
*STATE (Required for U.S. applicants)	California
*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	94063
*EMAIL ADDRESS	XXXX
<b>LEGAL ENTITY INFORMATION</b>	
TYPE	corporation
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY OF INCORPORATION	Delaware
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
INTERNATIONAL CLASS	043
*IDENTIFICATION	Providing information about recipes, ingredients and cooking information; providing an online computer database to consumers featuring information about recipes, ingredients and cooking information
FILING BASIS	SECTION 1(b)
<b>ATTORNEY INFORMATION</b>	
NAME	Grace Han Stanton
ATTORNEY DOCKET NUMBER	132511-4001

<b>ATTORNEY BAR MEMBERSHIP NUMBER</b>	XXX
<b>YEAR OF ADMISSION</b>	XXXX
<b>U.S. STATE/ COMMONWEALTH/ TERRITORY</b>	XX
<b>FIRM NAME</b>	Perkins Coie LLP
<b>STREET</b>	1201 Third Avenue, Suite 4900
<b>CITY</b>	Seattle
<b>STATE</b>	Washington
<b>COUNTRY/REGION/JURISDICTION/U.S. TERRITORY</b>	United States
<b>ZIP/POSTAL CODE</b>	98101
<b>PHONE</b>	206-359-8000
<b>FAX</b>	(206) 359-9000
<b>EMAIL ADDRESS</b>	pctrademarks@perkinscoie.com
<b>OTHER APPOINTED ATTORNEY</b>	Lindsay B. Allen, Britt L. Anderson, Craig A. Beaker, Stefan B. Blum, Jared H. Bryant, Jeremy L. Buxbaum, L. Omar Cojulun, Sabrina J. Danielson, Colleen M. Ganin, Alexander J.A. Garcia, Daniel J. Glenn, Mark S. Goodrich, Lynne E. Graybeal, Patchen M. Haggerty, John P. Halski, Thomas L. Holt, Jason S. Howell, Lisa K. Koenig, Elizabeth A. Kristoferson, Kirstin E. Larson, Winfield B. Martin, Alicia A. Matusheski, Vicki Y. Nee, Lisa T. Oratz, Scott J. Palmer, Seth H. Reagan, Andrew A. Roppel, Heidi L. Sachs, Grace Han Stanton, Danielle Suh, James L. Vana, Fabricio Vayra and Robert G. Woolston
<b>CORRESPONDENCE INFORMATION</b>	
<b>NAME</b>	Grace Han Stanton
<b>PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE</b>	pctrademarks@perkinscoie.com
<b>SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)</b>	NOT PROVIDED
<b>FEE INFORMATION</b>	
<b>APPLICATION FILING OPTION</b>	TEAS Standard
<b>NUMBER OF CLASSES</b>	1
<b>APPLICATION FOR REGISTRATION PER CLASS</b>	275
<b>*TOTAL FEES DUE</b>	275
<b>*TOTAL FEES PAID</b>	275
<b>SIGNATURE INFORMATION</b>	
<b>SIGNATURE</b>	/Dana R. Wagner/
<b>SIGNATORY'S NAME</b>	Dana R. Wagner
<b>SIGNATORY'S POSITION</b>	Chief Legal Officer
<b>SIGNATORY'S PHONE NUMBER</b>	000-000-0000
<b>DATE SIGNED</b>	04/01/2020



Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1478 (Rev 09/2006)

OMB No. 0651-0009 (Exp 02/28/2021)

## Trademark/Service Mark Application, Principal Register

**Serial Number: 88855875**

**Filing Date: 04/01/2020**

### To the Commissioner for Trademarks:

**MARK:** IMPOSSIBLE (Standard Characters, see [mark](#))

The literal element of the mark consists of IMPOSSIBLE. The mark consists of standard characters, without claim to any particular font style, size, or color.

The applicant, Impossible Foods Inc., a corporation of Delaware, having an address of

400 Saginaw Drive

Redwood City, California 94063

United States

XXXX

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 043: Providing information about recipes, ingredients and cooking information; providing an online computer database to consumers featuring information about recipes, ingredients and cooking information

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

The owner's/holder's proposed attorney information: Grace Han Stanton. Other appointed attorneys are Lindsay B. Allen, Britt L. Anderson, Craig A. Beaker, Stefan B. Blum, Jared H. Bryant, Jeremy L. Buxbaum, L. Omar Cojulun, Sabrina J. Danielson, Colleen M. Ganin, Alexander J.A. Garcia, Daniel J. Glenn, Mark S. Goodrich, Lynne E. Graybeal, Patchen M. Haggerty, John P. Halski, Thomas L. Holt, Jason S. Howell, Lisa K. Koenig, Elizabeth A. Kristoferson, Kirstin E. Larson, Winfield B. Martin, Alicia A. Matusheski, Vicki Y. Nee, Lisa T. Oratz, Scott J. Palmer, Seth H. Reagan, Andrew A. Roppel, Heidi L. Sachs, Grace Han Stanton, Danielle Suh, James L. Vana, Fabricio Vayra and Robert G. Woolston. Grace Han Stanton of Perkins Coie LLP, is a member of the XX bar, admitted to the bar in XXXX, bar membership no. XXX, and the attorney(s) is located at

1201 Third Avenue, Suite 4900

Seattle, Washington 98101

United States

206-359-8000(phone)

(206) 359-9000(fax)

pctrademarks@perkinscoie.com

The docket/reference number is 132511-4001.

Grace Han Stanton submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

The applicant's current Correspondence Information:

Grace Han Stanton

PRIMARY EMAIL FOR CORRESPONDENCE: pctrademarks@perkinscoie.com      SECONDARY EMAIL ADDRESS(ES)  
(COURTESY COPIES): NOT PROVIDED

**Requirement for Email and Electronic Filing:** I understand that a valid email address must be maintained by the applicant owner/holder and the applicant owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

### Declaration

**Basis:**



**If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):**

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce and was in use in commerce as of the filing date of the application on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application and was used on or in connection with the goods/services in the application as of the application filing date; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

**And/Or**

**If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):**

- The signatory believes that the applicant is entitled to use the mark in commerce;
  - The applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date on or in connection with the goods/services in the application; and
  - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
- To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

**Declaration Signature**

Signature: /Dana R. Wagner/ Date: 04/01/2020  
Signatory's Name: Dana R. Wagner  
Signatory's Position: Chief Legal Officer  
Payment Sale Number: 88855875  
Payment Accounting Date: 04/01/2020

Serial Number: 88855875  
Internet Transmission Date: Wed Apr 01 13:12:05 ET 2020  
TEAS Stamp: USPTO/BAS-XX.XX.XXX.XXX-2020040113120501  
0679-88855875-710886d243a3e10fecf7afeaec  
eb6fd25de65673716fc683b4e34ef9164734b618  
-CC-12039354-20200325150859721199

# IMPOSSIBLE

# **EXHIBIT C**

Trademark Trial and Appeal Board Electronic Filing System. <http://estta.uspto.gov>ESTTA Tracking number: **ESTTA1097843**Filing date: **11/25/2020**

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	Impossible X LLC
Granted to Date of previous extension	11/25/2020
Address	1231 CHAMPION FOREST COURT WHEATON, IL 60187 UNITED STATES
Attorney information	DAVID E. WESLOW WILEY REIN LLP 1776 K STREET, N.W. WASHINGTON, DC 20006 UNITED STATES Primary Email: <a href="mailto:dweslow@wiley.law">dweslow@wiley.law</a> Secondary Email(s): <a href="mailto:akosak@wiley.law">akosak@wiley.law</a> , <a href="mailto:tmdocket@wiley.law">tmdocket@wiley.law</a> 2027197000
Docket Number	87252.0016

### Applicant Information

Application No.	88855875	Publication date	07/28/2020
Opposition Filing Date	11/25/2020	Opposition Period Ends	11/25/2020
Applicant	Impossible Foods Inc. 400 SAGINAW DRIVE REDWOOD CITY, CA 94063 UNITED STATES		

### Goods/Services Affected by Opposition

Class 043. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Providing information about recipes, ingredients and cooking information; providing an online computer database to consumers featuring information about recipes, ingredients and cooking information

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b), 44(e) or 66(a)

### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4260617	Application Date	03/23/2012
Registration Date	12/18/2012	Foreign Priority Date	NONE
Word Mark	IMPOSSIBLE		
Design Mark			
Description of Mark	The mark consists of the stylized word "IMPOSSIBLE".		
Goods/Services	Class 025. First use: First Use: 2011/09/01 First Use In Commerce: 2011/09/01 Clothing, namely, shirts, t-shirts, tank tops Class 041. First use: First Use: 2011/09/01 First Use In Commerce: 2011/09/01 Providing a website featuring information in the field of personal fitness, endurance athletics, story telling, and adventure activities, namely, bungee jumping, skydiving, trekking, mountaineering, surfing, and kite surfing		

U.S. Registration No.	4624158	Application Date	03/03/2014
Registration Date	10/21/2014	Foreign Priority Date	NONE
Word Mark	IMPOSSIBLE FITNESS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2014/01/24 First Use In Commerce: 2014/01/24 Website featuring information relating to exercise and fitness		

U.S. Registration No.	5155646	Application Date	07/26/2016
Registration Date	03/07/2017	Foreign Priority Date	NONE
Word Mark	IMPOSSIBLE X		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2016/03/01 First Use In Commerce: 2016/03/01 search engine optimization and marketing services; marketing consulting in the field of social media		

U.S. Registration No.	5179974	Application Date	07/26/2016
Registration Date	04/11/2017	Foreign Priority Date	NONE
Word Mark	IMPOSSIBLE HQ		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2011/07/22 First Use In Commerce: 2011/07/22 providing a website featuring information relating to exercise and fitness		

U.S. Registration	5376208	Application Date	07/26/2016
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No.			
Registration Date	01/09/2018	Foreign Priority Date	NONE
Word Mark	IMPOSSIBLE		
Design Mark			
Description of Mark	The mark consists of the word "IMPOSSIBLE" in strikethrough format.		
Goods/Services	Class 005. First use: First Use: 2017/08/15 First Use In Commerce: 2017/08/15 nutritional supplements Class 035. First use: First Use: 2012/02/20 First Use In Commerce: 2012/02/20 search engine optimization and marketing services; marketing consulting in the field of social media		

U.S. Registration No.	5387588	Application Date	07/26/2016
Registration Date	01/23/2018	Foreign Priority Date	NONE
Word Mark	IMPOSSIBLE NUTRITION		
Design Mark			
Description of Mark	The mark consists of the word "IMPOSSIBLE" in strikethrough format above "NUTRITION".		
Goods/Services	Class 005. First use: First Use: 2017/08/15 First Use In Commerce: 2017/08/15 nutritional supplements Class 041. First use: First Use: 2012/01/01 First Use In Commerce: 2012/01/01 providing a website featuring information relating to exercise and fitness		

U.S. Registration No.	5576376	Application Date	07/26/2016
Registration Date	10/02/2018	Foreign Priority Date	NONE
Word Mark	DO SOMETHING IMPOSSIBLE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2017/08/15 First Use In Commerce: 2017/08/15 nutritional supplements Class 025. First use: First Use: 2011/09/01 First Use In Commerce: 2011/09/01 Clothing and performance apparel, namely, t-shirts, sweatshirts, pants, shorts, tank tops, yoga pants, tights Class 035. First use: First Use: 2012/03/13 First Use In Commerce: 2012/03/13 search engine optimization and marketing services; marketing consulting in the field of social media Class 036. First use: First Use: 2012/03/13 First Use In Commerce: 2012/03/13 charitable fundraising services		

U.S. Registration No.	5590801	Application Date	08/03/2016
Registration Date	10/23/2018	Foreign Priority Date	NONE

Word Mark	IMPOSSIBLE FITNESS
Design Mark	
Description of Mark	The mark consists of the word "IMPOSSIBLE" in strike through format followed by "FITNESS".
Goods/Services	Class 025. First use: First Use: 2014/01/24 First Use In Commerce: 2014/01/24 Clothing and performance apparel, namely, t-shirts, sweatshirts, pants, shorts, tank tops, yoga pants, tights

U.S. Registration No.	5603025	Application Date	11/16/2017
Registration Date	11/06/2018	Foreign Priority Date	NONE
Word Mark	IMPOSSIBLE FITNESS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2014/01/24 First Use In Commerce: 2014/01/24 Clothing and performance apparel, namely, T-shirts, sweatshirts, pants, shorts, tank tops, yoga pants, tights		

U.S. Registration No.	5620625	Application Date	01/15/2018
Registration Date	12/04/2018	Foreign Priority Date	NONE
Word Mark	IMPOSSIBLE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2017/08/15 First Use In Commerce: 2017/08/15 Nutritional supplements Class 025. First use: First Use: 2011/09/01 First Use In Commerce: 2011/09/01 Clothing and performance apparel, namely, t-shirts, sweatshirts, pants, shorts, tank tops, yoga pants, tights and underwear Class 035. First use: First Use: 2012/02/20 First Use In Commerce: 2012/02/20 Search engine optimization for promotion and marketing services; marketing consulting in the field of social media Class 041. First use: First Use: 2011/09/01 First Use In Commerce: 2011/09/01 Providing a website featuring information in the field of personal fitness, endurance athletics, storytelling, and adventure activities, namely, bungee jumping, skydiving, trekking, mountaineering, surfing, and kite surfing		

U.S. Application No.	87884481	Application Date	04/19/2018
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	IMPOSSIBLE		
Design Mark			
Description of Mark	The mark consists of a motion mark. The mark consists of the wording "IMPOSSIBLE" with a shaded band that moves horizontally from the left through the middle of the wording until the band covers the middle of the entire word "IM-		

	POSSIBLE." All on a shaded background.
Goods/Services	Class 025. First use: First Use: 2012/05/29 First Use In Commerce: 2012/05/29 clothing and performance apparel, namely, t-shirts, sweatshirts, pants, shorts,tank tips, yoga pants, tights and underwear Class 041. First use: First Use: 2012/05/29 First Use In Commerce: 2012/05/29 Providing a website featuring information in the field of personal fitness, endurance athletics, storytelling and adventure recreational activities

Attachments	88855875 IMPOSSIBLE - Notice of Opposition 4844-6982-6514 v.2.pdf(129043 bytes )
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Signature	/David E. Weslow/
Name	DAVID E. WESLOW
Date	11/25/2020



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

IMPOSSIBLE X LLC,

Opposer,

v.

IMPOSSIBLE FOODS INC.,

Applicant.

**E-FILING**

Opposition No.: \_\_\_\_\_

Application No.: 88855875

Mark: IMPOSSIBLE

**NOTICE OF OPPOSITION**

Impossible X LLC, a limited liability company organized and existing under the laws of the state of Illinois (“Impossible X”), believes that it will be damaged by Application No. 88855875 as it relates to all services identified therein.

As grounds for opposition, Impossible X hereby alleges:

1. Impossible X adopted the IMPOSSIBLE mark in 2010 and has continually used the mark, and a family of IMPOSSIBLE formative marks (including, without limitation, IMPOSSIBLE ADVENTURES, IMPOSSIBLE IS, IMPOSSIBLE ISLAND, and IMPOSSIBLE TRI, IMPOSSIBLE FITNESS, IMPOSSIBLE X, IMPOSSIBLE HQ, and IMPOSSIBLE NUTRITION), in U.S. commerce to provide a wide range of goods and services, including apparel, fitness products, nutritional supplements, consulting services, and philanthropic services (collectively the “IMPOSSIBLE Marks”).

2. Impossible X has used the IMPOSSIBLE Marks in association with nutrition, food, and cooking resources since 2010 including publication of guides to different foods, ingredients, diets, and recipes.

3. Impossible X has used the IMPOSSIBLE Marks in association with the

development and operation of software applications directed to health, fitness, food lists, and recipes including the popular “Paleo.io” diet food list app and “Paleo Recipe Pro” recipe app.

4. Impossible X will rely upon its common law rights in and to the family of IMPOSSIBLE formative marks in addition to those federally registered rights identified herein.

5. The relevant purchasing public recognizes that each of Impossible X’s IMPOSSIBLE formative marks is indicative of the common origin of the goods and/or services provided by Impossible X through use of its family of IMPOSSIBLE formative marks.

6. Impossible X has registered many of the marks from its family of IMPOSSIBLE Marks (IMPOSSIBLE, IMPOSSIBLE FITNESS, IMPOSSIBLE X, IMPOSSIBLE HQ, IMPOSSIBLE, IMPOSSIBLE NUTRITION) with registrations issued as early as December 18, 2012.

7. Impossible X is the owner of incontestable U.S. Registration No. 4260617 for the mark IMPOSSIBLE, registered on December 18, 2012. Impossible X first used the IMPOSSIBLE mark on September 1, 2011, for “[c]lothing, namely, shirts, t-shirts, tank tops” and for “[p]roviding a website featuring information in the field of personal fitness, endurance athletics, story telling, and adventure activities, namely, bungee jumping, skydiving, trekking, mountaineering, surfing, and kite surfing.”

8. Impossible X is the owner of U.S. Registration No. 4624158 for the mark IMPOSSIBLE FITNESS, registered on October 21, 2014. Impossible X first used the IMPOSSIBLE FITNESS mark on January 24, 2014, for a “[w]ebsite featuring information relating to exercise and fitness.”

9. Impossible X is the owner of U.S. Registration No. 5155646 for the mark IMPOSSIBLE X, registered on March 7, 2017. Impossible X first used the IMPOSSIBLE X mark

on March 1, 2016, for “search engine optimization and marketing services” and for “marketing consulting in the field of social media.”

10. Impossible X is the owner of U.S. Registration No. 5179974 for the mark IMPOSSIBLE HQ, registered on April 11, 2017. Impossible X first used the IMPOSSIBLE HQ mark on July 22, 2011, for “providing a website featuring information relating to exercise and fitness.”

11. Impossible X is the owner of U.S. Registration No. 5376208 for the mark IMPOSSIBLE, registered on January 9, 2018. Impossible X first used the IMPOSSIBLE mark on February 20, 2012, for both “search engine optimization and marketing services” and “marketing consulting in the field of social media;” and on August 15, 2017, for “nutrition supplements.”

12. Impossible X is the owner of U.S. Registration No. 5387588 for the mark IMPOSSIBLE NUTRITION, registered on January 23, 2018. Impossible X first used the IMPOSSIBLE NUTRITION mark on January 1, 2012, for “a website featuring information relating to exercise and fitness;” and August 15, 2017, for “nutritional supplements.”

13. Impossible X is the owner of U.S. Registration No. 5576376 for the mark DO SOMETHING IMPOSSIBLE, registered on October 2, 2018. Impossible X first used the DO SOMETHING IMPOSSIBLE mark on September 1, 2011, for “[c]lothing and performance apparel, namely, t-shirts, sweatshirts, pants, shorts, tank tops, yoga pants, tights, and underwear;” on March 13, 2012, for “search engine optimization and marketing services,” “marketing consulting in the field of social media,” and “charitable fundraising services;” and on August 15, 2017, for “nutritional supplements.”

14. Impossible X is the owner of U.S. Registration No. 5590801 for the mark IMPOSSIBLE FITNESS, registered on October 23, 2018, for “[c]lothing and performance apparel,

namely, t-shirts, sweatshirts, pants, shorts, tank tops, yoga pants, tights, and underwear.”

15. Impossible X is the owner of U.S. Registration No. 5603025 for the mark IMPOSSIBLE FITNESS, registered on November 6, 2018, for “[c]lothing and performance apparel, namely, t-shirts, sweatshirts, pants, shorts, tank tops, yoga pants, tights, and underwear.”

16. Impossible X is the owner of U.S. Registration No. 5620625 for the mark IMPOSSIBLE, registered on December 4, 2018. Impossible X first used the IMPOSSIBLE mark on September 1, 2011, for “clothing and performance apparel, namely, t-shirts, sweatshirts, pants, shorts, tank tops, yoga pants, tights and underwear” and for “[p]roviding a website featuring information in the field of personal fitness, endurance athletics, storytelling, and adventure activities;” on February 20, 2012, for “search engine optimization for promotion and marketing services” and “marketing consulting in the field of social media;” and on August 15, 2017, for “nutritional supplements.”

17. Impossible X is the owner of U.S. App. No. 87884481 for the animated mark IMPOSSIBLE, filed on April 19, 2018. Impossible X first used the animated IMPOSSIBLE mark on May 29, 2012, for “clothing and performance apparel, namely, t-shirts, sweatshirts, pants, shorts, tank tips, yoga pants, tights and underwear” and for “[p]roviding a website featuring information in the field of personal fitness, nutrition, endurance athletics, storytelling, adventure activities, and self-improvement.”

18. The application opposed herein was filed by Impossible Foods Inc. (“Applicant”) on April 1, 2020, on an intent-to-use basis and was assigned Application Serial No. 88855875 by the U.S. Patent and Trademark Office.

19. Application Serial No. 88855875 is directed to the mark IMPOSSIBLE (“Applicant’s Mark”) in association with the following services:

International Class 043: Providing information about recipes, ingredients and cooking information; providing an online computer database to consumers featuring information about recipes, ingredients and cooking information.

20. The overall commercial impression of Applicant's Mark is identical and/or highly similar to the IMPOSSIBLE Marks.

21. The services identified in the application opposed herein are identical and/or closely related to services provided by Impossible X for many years through use of the IMPOSSIBLE Marks.

22. Upon information and belief, neither Applicant nor any predecessor or entity related to Applicant has any constructive or actual right in the Applicant's Mark prior to the filing date of the application opposed herein.

23. There is no issue of priority. Impossible X has priority by virtue of its longstanding and continuous use and registration of the IMPOSSIBLE mark and family of IMPOSSIBLE Marks well before any bona fide use by Applicant of the Applicant's Mark and well prior to the filing date of the application opposed herein.

24. Concurrent registration of Applicant's Mark by Applicant in association with the opposed services would result in irreparable damage to Impossible X as consumers would be likely to believe, mistakenly, that Applicant's registered Applicant's Mark is affiliated with or approved by Impossible X.

25. Concurrent registration of the mark of opposed Application Serial No. 88855875 in association with the opposed services would result in irreparable damage to Impossible X as consumers would be likely to consider the services offered under the registered mark as emanating from Impossible X, and purchase such services, resulting in a loss of sales to Impossible X.

26. If Applicant is permitted to obtain registration of the Applicant's Mark in association with the opposed services, confusion within the meaning of Section 2(d) of the Trademark Act (15 U.S.C. § 1052(d)) is likely to result, to the detriment of Impossible X.

27. The bona fides of the Applicant's intent-to-use the Applicant's Mark in U.S. Commerce in association with the services recited in the application are not apparent from the materials of record in Application Serial No. 88855875. Impossible X therefore challenges the same and leaves the Applicant to its proofs regarding the nature and sufficiency of its intent-to-use.

WHEREFORE, Impossible X requests that Application Serial No. 88855875 be rejected in its entirety, that no registration be issued in connection with the opposed services of the application, and that this opposition be sustained in favor of Impossible X.

Respectfully submitted,



Date: November 25, 2020

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