

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Impossible Foods Inc. v. Impossible LLC et al.

Impossible Foods · No. 5:21-cv-02419-BLF · Decided March 4, 2025

SUMMARY

The United States District Court for the Northern District of California grants Impossible Foods Inc.’s motion to amend its complaint and modify the scheduling order. The court finds good cause under Federal Rule of Civil Procedure 16 and concludes that amendment is proper under Rule 15, allowing proposed claims concerning fraud in the procurement of incontestability status, fraud in the procurement of trademark registrations, and abandonment. The court also denies an administrative motion concerning sealing because the designating party did not seek to maintain the materials under seal.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Beth Labson Freeman
JURISDICTION	United States District Court for the Northern District of California
DECIDED	March 4, 2025
DOCKET	5:21-cv-02419-BLF
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to modify the scheduling order and amend its complaint to add claims for fraud in the procurement of incontestability status, fraud in the procurement of trademark registrations, and abandonment. Plaintiff also filed an administrative motion concerning sealing of another party's materials.
PRECEDENTIAL VALUE	Unknown; federal district court order with no reporter citation

TOPICS

- motion to amend
- civil procedure
- trademark law
- commercial litigation

PRACTICE AREAS

- civil procedure
- trademark law
- commercial litigation

QUESTIONS PRESENTED

1. Whether Plaintiff established good cause under Federal Rule of Civil Procedure 16(b)(4) to modify the scheduling order after the deadline for amending pleadings.
2. Whether the proposed amendments were proper under Federal Rule of Civil Procedure 15(a)(2), including whether they were futile, unduly delayed, brought in bad faith, repeatedly deficient, or prejudicial to Defendants.
3. Whether materials provisionally submitted under seal should remain sealed when the designating party did not seek to maintain them under seal.

HOLDINGS

1. Plaintiff demonstrated good cause because the proposed claims were based on facts and documents that arose after the amendment deadline, and Plaintiff acted diligently in pursuing discovery and moving to amend.
2. Leave to amend was warranted because the Foman factors favored amendment: the proposed claims were not futile, Defendants did not establish undue prejudice or bad faith, any delay was not severe, and Plaintiff had not repeatedly failed to cure deficiencies.
3. The administrative sealing motion was denied and the identified materials were ordered unsealed because the party that designated them as confidential did not seek to maintain them under seal or demonstrate that sealing was warranted.

KEY QUOTATIONS

“The central inquiry under Fed. R. Civ. P. 16(b)(4) is whether the requesting party was diligent in seeking the amendment.” (Section II)

“The court should freely give leave when justice so requires.” (Section III.B)

“IF SHALL filed the Third Amended Complaint attached to its motion on or before March 7, 2025.” (Section V)

FACTUAL BACKGROUND

Plaintiff's original and amended complaints concerned the parties' respective rights in the IMPOSSIBLE mark. After the deadline to amend had passed, Defendants filed a Section 15 affidavit representing that a design mark had been continuously used in commerce for five consecutive years, and later deleted various goods from trademark registrations in response to a PTO office action requiring proof of current use. Plaintiff contended that these events, together with discovery responses, supplied newly discovered facts supporting fraud and abandonment claims.

PROCEDURAL HISTORY

Impossible Foods Inc. filed a declaratory-relief action concerning the IMPOSSIBLE trademark. After the court set a March 25, 2024 deadline for amending pleadings, the parties conducted discovery, and Plaintiff learned of a Section 15 affidavit and a response to a PTO office action that allegedly supported additional claims. Plaintiff

moved to amend after the amendment deadline. The court granted leave to amend and denied the sealing motion, ordering the Third Amended Complaint filed without redactions.

DISPOSITION

other

CASES CITED

- DRK Photo v. McGraw-Hill Glob. Educ. Holdings, LLC, 870 F.3d 978, 989
- In re W. States Wholesale Nat. Gas Antitrust Litig., 715 F.3d 716, 737
- Oneok, Inc. v. Learjet, Inc., 575 U.S. 373
- Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609
- VLSI Tech. LLC v. Intel Corp., No. 17-cv-05671, 2024 WL 664804, at *2–3
- Eminence Capital, LLC v. Aspeon, Inc., 316 F.3d 1048, 1052
- Foman v. Davis, 371 U.S. 178, 182
- Hayward Prop., LLC v. Commonwealth Land Title Ins. Co., No. 17-cv-06177, 2021 WL 4927012, at *4
- Chan v. ArcSoft, Inc., No. 19-cv-05836, 2022 WL 22863221, at *3
- Coppola v. Smith, No. 11-cv-1257, 2016 WL 2348970, at *4
- Fru-Con Constr. Corp. v. Sacramento Mun. Util. Dist., No. CIV. S-05-583, 2006 WL 3733815, at *5
- Jacobson v. Persolve, LLC, No. 14-cv-00735, 2015 WL 2061712, at *4
- Barahona v. Union Pac. R.R. Co., 881 F.3d 1122, 1134
- Sweaney v. Ada County, 119 F.3d 1385, 1393
- Robi v. Five Platters, Inc., 918 F.2d 1439, 1444
- San Juan Products, Inc. v. San Juan Pools of Kansas, Inc., 849 F.2d 468, 473
- DCD Programs, Ltd. v. Leighton, 833 F.2d 183, 187
- Beeck v. Aqua-slide 'N' Dive Corp., 562 F.2d 537, 540
- ARF Dashnaktsutyun, W. U.S.A. v. Armenian Revolutionary Fed'n WUSA, Inc., No. 21-cv-5594, 2022 WL 16859599, at *5
- Wizards of the Coast LLC v. Cryptozoic, 309 F.R.D. 645, 651
- Quidel Corp. v. Siemens Med. Sols. USA, Inc., No. 16-cv-3059, 2019 WL 1409854, at *3