

IMPOSSIBLE FOODS WINS INJUNCTION IN EU TRADEMARK INFRINGEMENT CASE

- **Prominent European Union court rules in favor of Impossible Foods in trademark infringement case against Nestlé, world's largest food company**
- **Ruling prohibits several Nestlé subsidiaries throughout Europe from marketing "Incredible Burger" and subjects a penalty of €250,000 per day if the offending branding remains on the market**
- **Impossible Foods seeks to protect consumers' right to transparency and the court believes that Nestlé deliberately attempted to confuse consumers into buying their product by imitating Impossible Foods' name, visual identity, and other branding cues**

REDWOOD CITY, Calif. (June 2, 2020) — A prominent European Union court granted Impossible Foods a preliminary injunction this week, ordering the global food conglomerate Nestlé S.A. to stop using the product name "Incredible Burger."

The District Court of The Hague ruled 27 May that the use of "Incredible Burger" in Europe infringed upon Impossible Foods' Impossible™ trademarks, including Impossible Burger™, and was likely to confuse customers.

As a result, several Nestlé subsidiaries throughout Europe are prohibited from branding their products "Incredible Burger." If they fail to remove the infringing branding from the European market within four weeks, each of 10 separate Nestlé subsidiaries involved in the case would be subject to a penalty of €25,000 per day -- a companywide penalty of up to €250,000 per subsidiary during the duration of the injunction.

"People specifically seek out Impossible Burger because it's a superior product unique in the world of plant-based food," said Dana Wagner, Impossible Foods' Chief Legal Officer. "Our company has intentionally built and nurtured a strong brand and passionate global fan base. While we applaud other companies' efforts to develop plant-based products, we don't want consumers confused by simulacra. We're grateful that the court recognized the importance of our trademarks and supported our efforts to protect our brand against incursion from a powerful multinational giant."

In its ruling, the court endorsed the validity of the Impossible Burger™ trademark and noted the visual, phonetic and conceptual similarities between that trademark and Nestlé's "Incredible Burger" branding and it cited considerable evidence that consumers and commentators were actually confused by the similarity in names. The court also stated that Nestlé, world's largest food company, appeared to have deliberately tried to impede Impossible Foods' entry into the European market hoping to capitalize on the strength of Impossible Foods' brand by promoting its own plant-based foods under a similar name.

IMPOSSIBLE INNOVATION

Impossible Foods makes meat from plants -- with a much smaller environmental footprint than meat from animals. The U.S.-based company uses modern science and technology to create wholesome and nutritious food and feed a growing population sustainably.

The award-winning, plant-based Impossible Burger is sought out by consumers globally because of its unique taste, texture, mouthfeel and cooking characteristics that rival ground beef from cows. Impossible Burger is the result of nearly a decade of basic science and hard-core research and development in the company's headquarters in California's Silicon Valley.

Named Inc. Magazine's company of the year and one of Time Magazine's 50 Genius companies, Impossible Foods has an unrivaled intellectual property portfolio with hundreds of patents and patents pending. Its intellectual property includes methods to decode and reverse-engineer the molecular foundations and entire sensory experience of animal-derived meat, including how it tastes, cooks, sizzles and smells -- and how to recreate the experience without animals.

One of Impossible Foods' earliest and most important discoveries was that a single molecule -- heme -- is primarily responsible for the explosion of flavors and overall sensory experience of eating animals. Heme is an essential molecular building block of life, one of nature's most ubiquitous molecules. It is most familiar as the molecule that carries oxygen in your blood.

THE MAGIC INGREDIENT

Heme is in virtually all the food we eat, and it's particularly abundant in animal muscle. It's the abundance of heme that makes meat (both meat from animal carcasses and Impossible Foods' meat from plants) uniquely delicious and craveable. Heme is not only safe to eat -- it's required for life.

To satisfy the global demand for meat at a fraction of the environmental impact, Impossible Foods developed a sustainable, scalable and affordable way to make heme and therefore meat, without the catastrophic environmental impact of livestock. The company engineers and ferments yeast to produce a heme protein naturally found in plants, called soy leghemoglobin.

The heme in the Impossible Burger is identical to the essential heme humans have been consuming for hundreds of thousands of years in meat -- and while the Impossible Burger delivers all the craveable depth of beef, it uses far fewer resources.

Producing the Impossible Burger uses about 87% less water, generates about 89% less greenhouse gases and requires around 96% less land than conventional ground beef from cows. For its efforts toward making the global food system sustainable, Impossible Foods won the 2019 United Nations Global Climate Action Award.

Impossible Foods believes people want and deserve transparency about the food they eat and seeks to protect consumers rights about what they are putting in their bodies. The company filed the lawsuit against Nestlé to signal that it will not tolerate any attempts to confuse consumers by using the name, likeness, or branding characteristics that rightfully belong to Impossible Foods.

IMPOSSIBLE™

“Impossible Foods stands for safety and transparency. We have rigorous standards for nutrition, sustainability, sourcing and manufacturing,” said Impossible Foods’ CEO and Founder Dr. Patrick O. Brown, M.D., Ph.D., Professor Emeritus of Biochemistry at Stanford University and a former Howard Hughes Medical Institute investigator. “People should be confident in the high-quality ingredients and thoughtful process that goes into every single Impossible Burger. They should not have to worry about getting hoodwinked by inferior imitations. We protect our brand in order to protect customers.”

DELICIOUS, NUTRITIOUS, UBIQUITOUS

Impossible Burger was named top plant-based burger by the New York Times and received the Food and Beverage (FABI) Award from the National Restaurant Association. It tastes like beef and is considered a triumph of food engineering.

Impossible Burger has as much bioavailable iron and protein as a comparable serving of ground beef from cows. The quarter-pound patty has 0 mg cholesterol, 14 grams of total fat, 8 grams of saturated fat, and 1020 kJ (240 kcal); the third-pound patty has 0 mg cholesterol, 19 grams of total fat, 11 grams of saturated fat, and 1360 kJ (320 kcal). (A conventional “80/20” patty from cows has 80 mg cholesterol, 23 grams of total fat, 9 grams of saturated fat, and 1233 kJ (290 kcal) in a quarter-pound serving, and 110 mg cholesterol, 30 grams of total fat, 11 grams of saturated fat, and 1658 kJ (390 kcal) in a third-pound serving.)

Impossible Burger is available at thousands of restaurants and grocery stores in the United States and Asia, including Burger King, Red Robin, Qdoba, Hard Rock Cafe, Safeway, Kroger and more.

The company continues to see increasing demand from customers in Europe. In 2019, Impossible Foods started the process for regulatory approval with the European Food Safety Authority, the agency of the European Union that governs food safety. Impossible Foods' intention is to sell plant-based meat in every single region of the world.

ABOUT IMPOSSIBLE FOODS

Based in California’s Silicon Valley, Impossible Foods makes delicious, nutritious meat and dairy products from plants — with a much smaller environmental footprint than meat from animals. The privately held food tech startup was founded in 2011 by Patrick O. Brown, M.D., Ph.D., Professor Emeritus of Biochemistry at Stanford University and a former Howard Hughes Medical Institute investigator. Investors include Mirae Asset Global Investments, Khosla Ventures, Bill Gates, Google Ventures, Horizons Ventures, UBS, Viking Global Investors, Temasek, Sailing Capital, and Open Philanthropy Project.

Impossible Foods was Inc. Magazine’s company of the year and one of Time Magazine’s 50 Genius companies. The flagship product, Impossible Burger, was named top plant-based burger by the New York Times and received the Food and Beverage (FABI) Award from the National Restaurant Association.

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