

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: TTAB, Commissioner for Trademarks, P.O. Box 1451, Arlington, VA 22313-1451.

On 1/15/08 Date Roxana P. Day

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

Sidela S.A.)
Opposer,)
v.)
Kolaloka Industries, L.P.)
Krazy USA LLC, General Partner)
Applicant.)

Opposition No.
Serial No. 78/959,790
Filed: August 24, 2006
2 Classes

NOTICE OF OPPOSITION

Opposer, a corporation organized under the laws of Uruguay and having a principal place of business at Misiones 1486, Montevideo, Uruguay, believes that it would be damaged by the registration of the mark LA GOTITA for industrial and household adhesives shown in Application Serial No. 78/959,790 and hereby opposes the same. As grounds for its opposition, Opposer alleges that, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to other matters:

Opposer and its LA GOTITA Mark

1. Opposer, through its related companies and licensees, is one of the world's leading producers and providers of industrial and household adhesives. Opposer uses as trademarks LA GOTITA in Spanish speaking countries and THE DROPLET in English speaking countries. Both have identical meaning.

2. Since at least as early as 2003, well prior to the filing date of Applicant's application and any date of first use that may be alleged by Applicant, Opposer has used the THE DROPLET mark in connection with industrial and household adhesives.

3. On August 24, 2003, Opposer first used the THE DROPLET mark on and in commerce in connection with industrial and household adhesives, and the mark has been used continuously for such adhesives since that date.

4. Opposer is the owner of Registration No. 3,004,710, issued October 4, 2005 for the mark THE DROPLET for adhesives, claiming a date of first use in commerce of August 24, 2003. A printout from the U.S. PTO database is attached as Exhibit 1.

5. Opposer has used its THE DROPLET mark in commerce on the goods and in connection with the sale and advertising and promotion of the goods prior to the filing date of the subject application, and any date of first use that may be alleged by Applicant. Opposer's THE DROPLET mark has been and is used in connection with adhesives for industrial and stationery use.

6. Through its long use of THE DROPLET mark on adhesives, and in substantial advertising and promotion in the United States, Opposer has developed valuable goodwill in its THE DROPLET mark, and the mark has become famous.

Applicant and the LA GOTITA Mark

7. Kolaloka Industries, L.P. (“Applicant”), the listed owner of the subject application has alleged that it is a limited partnership of Texas, with an address of Suite 111, 3100 Carlisle Street, Dallas Texas 75204.

8. Applicant subsequently alleged that Krazy USA LLC is the sole general partner of Applicant and is a limited liability company of Texas.

9. The last known address of Krazy USA LLC is 3310 Cole Avenue, Apartment 266, Dallas, Texas 75204-0308.

10. On August 24, 2006, Applicant filed intent-to-use Application Serial No. 78/959,790 for adhesives for the automotive industry, automotive repair industry, footwear industry, plastics industry, toy industry and furniture industry; glue for use in the automotive industry, automotive repair industry, footwear industry, plastics industry, toy industry and furniture industry in International Class 1 and adhesive tapes for stationery or household purposes; glue for stationery or household use in Class 16.

11. Applicant ~~which~~ was subsequently amended the goods in Class 16 to “glue for stationery or household use.”

Likelihood of Confusion, 15 U.S.C. § 1052(d)

12. Opposer repeats and realleges each and every allegation set forth in Paragraphs 1 through 11.

13. Opposer has used its THE DROPLET mark in commerce prior to the filing date of the subject Application Serial No. 78/959,790, and any date of first use that may be alleged by Applicant. Moreover, Opposer’s registration for its THE DROPLET mark issued prior to the

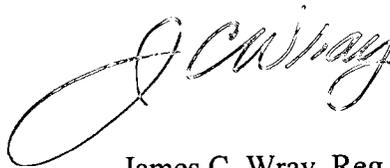
filing date of the subject Application Serial No. 78/959,790, and any date of first use that may be alleged by Applicant.

14. Applicant's LA GOTITA mark is substantially similar in meaning and overall commercial impression to Opposer's THE DROPLET mark. Further, Applicant's goods are identical or closely related to the goods offered in connection with Opposer's THE DROPLET mark.

15. Applicant's LA GOTITA mark so resembles Opposer's prior used and registered THE DROPLET mark as to be likely, when used in connection with Applicant's goods to cause confusion, or to cause mistake, or to deceive under Section 2(d) of the Lanham Act, as amended, 15 U.S.C. § 1052(d).

WHEREFORE, Opposer believes that it is being damaged, and will be damaged, by the registration of the mark shown in Application Serial No. 78/979,790, and requests that the opposition be sustained, and that registration to Applicant be refused.

The \$600 filing fee is being submitted herewith.



James C. Wray, Reg. No. 22,693
Counsel for Applicant
1493 Chain Bridge Road, Suite 300
McLean, Virginia 22101
(703) 442-4800
(703) 448-7397

DATE: January 15, 2008

Int. Cls.: 1 and 16

Prior U.S. Cls.: 1, 2, 5, 6, 10, 22, 23, 26, 29, 37, 38, 46,
and 50

Reg. No. 3,004,710

United States Patent and Trademark Office

Registered Oct. 4, 2005

TRADEMARK
PRINCIPAL REGISTER



SIDELA S.A. (URUGUAY CORPORATION)
MISIONES 1486
MONTEVIDEO, URUGUAY

FOR: ADHESIVES AND SEALERS FOR GENERAL INDUSTRIAL USE; SUBSTANCES, NAMELY CHEMICALS, ACRYLATES AND CYANOCRYLATES USED AS ADHESIVES FOR GENERAL INDUSTRIAL USE; AND SUBSTANCES, NAMELY CHEMICALS USED FOR THE MANUFACTURE, SUBSTANCES, ELABORATION AND PRODUCTIONS OF ADHESIVES AND SEALERS FOR GENERAL INDUSTRIAL USE; ADHESIVES USED IN BOOK BINDING, IN CLASS 1 (U.S. CLS. 1, 5, 6, 10, 26 AND 46).

FIRST USE 8-24-2003; IN COMMERCE 8-24-2003.

FOR: ADHESIVES AND SEALERS FOR USE IN LIBRARY, STATIONERY, PAPERS, CARDBOARD, AND HOUSEHOLD PURPOSES, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 8-24-2003; IN COMMERCE 8-24-2003.

SN 76-481,628, FILED 1-10-2003.

LEIGH CAROLINE CASE, EXAMINING ATTORNEY

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the attached Applicant's Answer to Notice of Opposition is being deposited this 15th day of January, 2007 with the United States Postal Service with sufficient postage as first class mail, postage prepaid, in an envelope addressed to:

Richard C. Litman
Litman Law Offices Ltd.
P.O. Box 15035
Crystal City Station
Arlington, VA 22215



Roxana P. Day
Law Offices of James C. Wray
1493 Chain Bridge Road, Suite 300
McLean, VA 22101
Tel: (703) 442-4800
Fax: (703) 448-7397