

ESTTA Tracking number: **ESTTA412537**

Filing date: **06/02/2011**

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	KORET, S.A. DE C.V.		
Entity	Corporation	Citizenship	El Salvador
Address	Final 14 Calle Poniente Pasaje Lindo #110 Colonia Flor Blanco, San Salvador, EL SALVADOR		

Attorney information	Theodore H. Davis, Jr. Kilpatrick Townsend & Stockton LLP 1100 Peachtree Street, NE Suite 2800 Atlanta, GA 30309 UNITED STATES tdavis@kilpatricktownsend.com, jfaris@kilpatricktownsend.com, cflagler@kilpatricktownsend.com Phone:404-815-6500
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**Applicant Information**

Application No	85202322	Publication date	05/03/2011
Opposition Filing Date	06/02/2011	Opposition Period Ends	06/02/2011
Applicant	Ana Eloise Del Carmen Alfaro De Maron Km. 4.5 Carretera a San Marcos # 428 San Marcos, N/A EL SALVADOR		

**Goods/Services Affected by Opposition**

Class 005. Opposed goods and services in the class: Dietary supplements
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**Grounds for Opposition**

Deceptiveness	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

**Mark Cited by Opposer as Basis for Opposition**

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	GLOTOLIN		
Goods/Services	Class 5: Dietary Supplements		

Attachments	2011-06-02 Notice of Opposition.PDF ( 4 pages )(147031 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/s/ Theodore H. Davis, Jr.
Name	Theodore H. Davis, Jr.
Date	06/02/2011

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

KORET, S.A. DE C.V.,	)	
	)	
Opposer,	)	
	)	Opposition No. _____
v.	)	Serial No. 85202322
	)	Mark: GLOTOLIN
ANA ELOISE DEL CARMEN ALFARO	)	
DE MARON,	)	
	)	Published in the <i>Official Gazette</i>
Applicant.	)	On May 3, 2011
	)	

**NOTICE OF OPPOSITION**

Opposer Koret, S.A. de C.V. (“Opposer”), a corporation organized under the laws of El Salvador whose business address is Final 14 Calle Poniente, Pasaje Lindo #110, Colonia Flor Blanco, San Salvador, El Salvador, will be damaged by registration of the mark GLOTOLIN as currently shown in application Serial No. 85202322 and states the following for its notice of opposition to that application:

1. On December 12, 2010, Applicant Ana Eloise Del Carmen Alfaro De Maron (“Applicant”) filed intent-to-use application Serial No. 85202322 (the “Opposed Application”) to register the mark GLOTOLIN for “dietary supplements” in Class 5. The Opposed Application was published in the *Official Gazette* on May 3, 2011.

2. Since prior to the Opposed Application’s December 12, 2010 filing date, Opposer has been, and is currently, using the GLOTOLIN mark in connection with dietary supplements in commerce in the United States. Opposer’s use of its GLOTOLIN mark has been valid and continuous since the date of first use and has not been abandoned.

3. Applicant’s GLOTOLIN mark is identical to Opposer’s GLOTOLIN mark.

4. The goods recited in the Opposed Application are identical or nearly identical to the goods that Opposer currently provides in interstate commerce in the United States in connection with its GLOTOLIN mark, and which it provided prior to the filing date of the Opposed Application.

5. Opposer will be damaged by registration of Applicant's GLOTOLIN mark because the mark is identical to Opposer's GLOTOLIN mark previously used in the United States, and not abandoned, and is therefore likely to cause customer confusion, mistake, and deception, particularly in view of the identical or nearly identical nature of the goods offered or intended to be offered under the respective marks. Persons familiar with Opposer's GLOTOLIN mark would be likely to believe erroneously that Applicant's goods are offered by Opposer or endorsed and sponsored by Opposer, and registration of Applicant's GLOTOLIN mark on the Principal Register would be inconsistent with Opposer's common law rights in its GLOTOLIN mark.

6. Pursuant to 15 U.S.C. 1063(a), Opposer will be damaged by the registration sought by Applicant because such registration will support and assist Applicant in the use of the GLOTOLIN mark, and would give color and exclusive statutory right to Applicant in violation and derogation of the prior and superior common-law rights of Opposer.

7. Opposer therefore requests that application Serial No. 85202322 be refused registration, and that this opposition be sustained in favor of Opposer.

8. The opposition fee in the amount of \$300.00 for an opposition in one class is filed with this notice. If for any reason this amount is insufficient, it is requested that Opposer's attorneys' Deposit Account No. 11-0860 be charged with any deficiency. This paper is filed electronically.

Dated: June 2, 2011

Respectfully submitted,

By  \_\_\_\_\_

Theodore H. Davis Jr.

James W. Faris

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Attorneys for Opposer

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

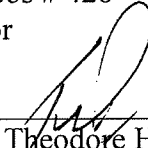
KORET, S.A. DE C.V.,	)	
	)	
Opposer,	)	
	)	Opposition No. _____
v.	)	Serial No. 85202322
	)	Mark: GLOTOLIN
ANA ELOISE DEL CARMEN ALFARO	)	
DE MARON,	)	
	)	Published in the <i>Official Gazette</i>
Applicant.	)	On May 3, 2011
	)	

**CERTIFICATE OF SERVICE**

I certify that a true copy of the attached **NOTICE OF OPPOSITION** was served on Applicant's Attorney of Record on June 2, 2011 via first-class mail addressed to:

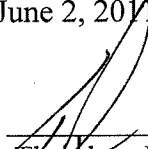
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San Marcos N/A - El Salvador

  
\_\_\_\_\_  
Theodore H. Davis Jr.  
Attorney for Opposer

**CERTIFICATE OF TRANSMITTAL**

I certify that a true copy of the attached **NOTICE OF OPPOSITION** is being filed electronically with the PTO via ESTTA on June 2, 2011.

  
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Theodore H. Davis Jr.  
Attorney for Opposer