ESTTA Tracking number: **ESTTA565107**

Filing date: **10/15/2013**

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	MAPEI Corporation
Granted to Date of previous extension	10/13/2013
Address	1144 East Newport Center Drive Deerfield Beach, FL 33442 UNITED STATES

Attorney information	Jess M. Collen Collen IP, Intellectual Property Law, P.C. The Holyoke-Manhattan Building 80 South Highland Avenue Ossining, NY 10562 UNITED STATES jcollen@collenip.com, docket@collenip.com, tgulick@collenip.com Phone:914-941-5668

Applicant Information

Application No	85772864	Publication date	04/16/2013
Opposition Filing Date	10/15/2013	Opposition Period Ends	10/13/2013
Applicant	Izzo, Antonio Via San Martino 87F Montesarchio (BN), 82016 ITALY		

Goods/Services Affected by Opposition

Class 019.
All goods and services in the class are opposed, namely: Building materials, namely, non-metal countertops for further installation; Non-metal cladding for construction and building; Non-metal tiles for walls, floors or ceilings

Grounds for Opposition

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

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3217158	Application Date	09/28/2005
Registration Date	03/13/2007	Foreign Priority Date	NONE
Word Mark	KERACAULK		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 017. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 Caulk

U.S. Registration No.	3219593	Application Date	09/28/2005
Registration Date	03/20/2007	Foreign Priority Date	NONE
Word Mark	KERABOND		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 019. First use: First Use: 1978/00/00 First Use In Commerce: 1978/00/00 Mortar		

U.S. Registration No.	3224229	Application Date	09/28/2005
Registration Date	04/03/2007	Foreign Priority Date	NONE
Word Mark	KERACRETE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 017. First use: First Use: 1982/00/00 First Use In Commerce: 1982/00/00 Synthetic latex tile and stone setting adhesive		

U.S. Registration No.	3217157	Application Date	09/28/2005
Registration Date	03/13/2007	Foreign Priority Date	NONE
Word Mark	KERAFLOR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 019. First use: First Use: 1985/00/00 First Use In Commerce: 1985/00/00 Tile and stone installation mortar		

U.S. Registration No.	3210579	Application Date	09/28/2005
Registration Date	02/20/2007	Foreign Priority Date	NONE
Word Mark	KERALASTIC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 1978/00/00 First Use In Commerce: 1978/00/00 Mortar latex additive		

U.S. Registration No.	3339353	Application Date	09/28/2005
Registration Date	11/20/2007	Foreign Priority Date	NONE
Word Mark	KERAPLY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 1985/00/00 First Use In Commerce: 1985/00/00 Latex mortar additive		

U.S. Registration No.	3138921	Application Date	09/28/2005
Registration Date	09/05/2006	Foreign Priority Date	NONE
Word Mark	KER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 017. First use: First Use: 1982/00/00 First Use In Commerce: 1982/00/00 Caulk		

U.S. Registration No.	1538742	Application Date	09/26/1988
Registration Date	05/16/1989	Foreign Priority Date	NONE
Word Mark	KERASET		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 1986/03/23 First Use In Commerce: 1986/03/23 CEMENT GLUE USED FOR FIXTURE OF CERAMIC TILES		

U.S. Registration No.	1533801	Application Date	12/24/1987
Registration Date	04/11/1989	Foreign Priority Date	NONE
Word Mark	KERAPOXY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 1985/12/24 First Use In Commerce: 1985/12/24 SOLID EPOXY FOR SETTING AND GROUTING TILES FOR INDUSTRIAL, COMMERCIAL AND INSTITUTIONAL APPLICATIONS, NAMELY, CERAMIC FLOOR AND WALL TILES, QUARRY TILES, ACID-RESISTANT FLOOR BRICKS AND PAVERS		

U.S. Application No.	78722549	Application Date	09/28/2005

Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	KERACOLOR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 019. First use: First Use: 1985/00/00 First Use In Commerce: 1985/00/00 Sanded grout		

U.S. Application No.	85722664	Application Date	09/06/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	KERACLEAN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: Cleaner for grouts and ceramic tiles		

Attachments	p505 notice of opposition.pdf(1199463 bytes)

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	/Jess M. Collen/
Name	Jess M. Collen
Date	10/15/2013

ATTORNEY DOCKET: P505

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

Applicant : Antonio Izzo
Serial No. : 85/772,864
Filed : November 6, 2012
Mark : O-KERA
Published : April 16, 2013

Assistant Commissioner for Trademarks
Box TTAB - FEE
P.O. Box 1451
Arlington, Virginia 22313-1451

NOTICE OF OPPOSITION

The Opposer, MAPEI Corporation, 1144 East Newport Center Drive, Deerfield Beach, FL 33442-7725, a corporation duly organized and existing under the laws of Illinois ("MAPEI" or "Opposer"), through its attorneys, believes that it would be damaged by the registration of the mark shown in the above-identified application, and hereby opposes the same, pursuant to 15 U.S.C. § 1063 and 37 C.F.R. § 2.104.

As grounds for opposition, it is alleged that:

1) MAPEI is and has been engaged in the sale and marketing of goods of similar and highly related goods and services to those recited by Applicant in its application to register since a time long prior to the date of the application filed by Applicant.

2) MAPEI is and has been engaged in the sale and marketing of goods under the registered KER- prefix trademarks, since at least as early as 1982.

3) Opposer is the owner of the following valid and subsisting United States trademark registrations, including:

- KERACAULK	Reg. No. 3217158. See Exhibit A.
- KERABOND	Reg. No. 3219593. See Exhibit B.
- KERACRETE	Reg. No. 3224229. See Exhibit C.
- KERAFLOR	Reg. No. 3217157. See Exhibit D.
- KERALASTIC	Reg. No. 3210579. See Exhibit E.
- KERAPLY	Reg. No. 3339353. See Exhibit F.
- KER	Reg. No. 3138921. See Exhibit G.
- KERASET	Reg. No. 1538742. See Exhibit H.
- KERAPOXY	Reg. No. 1533801. See Exhibit I.

Opposer is the owner of the following U.S. Trademark Applications:

-KERACOLOR	Serial Number 78722549. See Exhibit J.
-KERACLEAN	Serial Number 85722664. See Exhibit K.

(See Exhibits A-K attached)

and others (collectively referred to as the KER- Marks).

4) Opposer has used its KER- Marks in commerce extensively and has acquired a considerable and valuable goodwill and wide scale recognition of its KER- Marks. The public has come to associate the KER- Marks with MAPEI and MAPEI's goods for a variety of products for use in the building industry, including but not limited to, adhesives, sealants and chemical products for construction.

5) MAPEI's registrations are prima facie proof of ownership and use of the KER- Marks from the original date of filing of the application, pursuant to 15 U.S.C. § 1057(b), and of the exclusive right to use the registered marks in commerce.

6) Applicant's mark is confusingly similar to MAPEI's registered trademarks and is likely, when applied to the goods of the Applicant, to cause confusion, or to cause mistake or to deceive. 15 U.S.C. § 1052(d). Applicant's mark makes a highly similar commercial impression to MAPEI's registered trademarks due to its incorporation and its manner of use of the term KER-, creating a virtually identical sound and appearance. The overall commercial impression of Applicant's mark, when applied to similar and highly related goods, would cause confusion or be likely to cause confusion, mistake or deception.

7) MAPEI has used its KER- Marks in commerce extensively and has acquired considerable and valuable goodwill and wide scale recognition for its KER- Marks. The public has come to associate the KER- Marks with Opposer and Opposer's goods.

8) On information and belief, use of the KER- Marks by the Applicant for its goods in Class 019 will cause confusion, mistake and deception with respect to those goods, by virtue of the Opposer's prior use and fame of its KER- Marks.

9) The Applicant has appropriated in its entirety the distinctive and dominant part of Opposer's KER- trademarks.

10) On information and belief, both the Applicant's mark and MAPEI's KER- Marks are applied to highly related goods and are likely to be sold in the same or similar channels of distribution. Applicant's mark so resembles MAPEI's KER- registrations and well-known

trademarks, as used in the United States and not abandoned, as to be likely to cause confusion, or to cause mistake or to deceive.

11) Applicant's mark makes a highly similar if not identical commercial impression to Opposer's KER- Marks due to its virtually identical sound and appearance. The overall commercial impression of Applicant's mark, when applied to Applicant's goods, would cause confusion or be likely to cause confusion, mistake, or deception. The marks, as perceived by the consumer, will be considered identical, and confusing.

12) Consumers encountering the Applicant's mark and goods are likely to believe that such goods originate from or are authorized or sponsored by MAPEI, in view of the wide renown of the Opposer's KER- Marks and the striking similarity between MAPEI's KER- Marks and goods and the Applicant's mark and goods.

13) Opposer has used the KER- Marks on highly related goods to those recited by the Applicant in its application, since a long time prior to Applicant's filing of its application for registration.

14) On information and belief, the Applicant has adopted its trademark with full knowledge of MAPEI's KER- trademarks.

OPPOSER MAPEI Corporation prays that this application Serial No. 85772864 be refused, that no registration be issued thereon to Applicant and that this Opposition be sustained in favor of Opposer.

Respectfully submitted for
Opposer MAPEI Corporation.

By: _____

Jess M. Collen
Thomas P. Gulick
COLLEN *IP*
The Holyoke-Manhattan Building
80 South Highland Avenue
Town of Ossining, Westchester County
NEW YORK 10562
(914) 941- 5668

JMC/TPG/

Enc.: Opposition Fee $300.00
Exhibits A-K

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 03-2465.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FILED ELECTRONICALLY WITH THE UNITED STATES PATENT AND TRADEMARK OFFICE ON JULY 23, 2012.

By: _____ Dated: October 15, 2013

EXHIBIT A

Int. Cl.: 17

Prior U.S. Cls.: 1, 5, 12, 13, 35 and 50

Reg. No. 3,217,158

United States Patent and Trademark Office

Registered Mar. 13, 2007

TRADEMARK
PRINCIPAL REGISTER

KERACAULK

MAPEI CORPORATION (ILLINOIS CORPORATION)
1144 EAST NEWPORT CENTER DRIVE
DEERFIELD BEACH, FL 33442

FOR: CAULK, IN CLASS 17 (U.S. CLS. 1, 5, 12, 13, 35 AND 50).

FIRST USE 0-0-1987; IN COMMERCE 0-0-1987.

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

SER. NO. 78-722,565, FILED 9-28-2005.

LEIGH LOWRY, EXAMINING ATTORNEY

United States Patent and Trademark Office

Assignments on the Web > Trademark Query

No assignment has been recorded at the USPTO

For Registration Number: 3217158

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.3.4
Web interface last modified: Jul 8, 2013 v.2.3.4

EXHIBIT B

Int. Cl.: 19

Prior U.S. Cls.: 1, 12, 33 and 50

United States Patent and Trademark Office

Reg. No. 3,219,593

Registered Mar. 20, 2007

TRADEMARK
PRINCIPAL REGISTER

KERABOND

MAPEI CORPORATION (ILLINOIS CORPORATION)
1144 EAST NEWPORT CENTER DRIVE
DEERFIELD BEACH, FL 33442

FOR: MORTAR, IN CLASS 19 (U.S. CLS. 1, 12, 33 AND 50).

FIRST USE 0-0-1978; IN COMMERCE 0-0-1978.

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

SER. NO. 78-722,558, FILED 9-28-2005.

HENRY S. ZAK, EXAMINING ATTORNEY

United States Patent and Trademark Office

Assignments on the Web > Trademark Query

No assignment has been recorded at the USPTO

For Registration Number: 3219593

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.3.4
Web interface last modified: Jul 8, 2013 v.2.3.4

EXHIBIT C

Int. Cl.: 17

Prior U.S. Cls.: 1, 5, 12, 13, 35 and 50

United States Patent and Trademark Office

Reg. No. 3,224,229

Registered Apr. 3, 2007

TRADEMARK
PRINCIPAL REGISTER

KERACRETE

MAPEI CORPORATION (ILLINOIS CORPORATION)
1144 EAST NEWPORT CENTER DRIVE
DEERFIELD BEACH, FL 33442

FOR: SYNTHETIC LATEX TILE AND STONE SETTING ADHESIVE, IN CLASS 17 (U.S. CLS. 1, 5, 12, 13, 35 AND 50).

FIRST USE 0-0-1982; IN COMMERCE 0-0-1982.

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

SER. NO. 78-722,542, FILED 9-28-2005.

CHRISTOPHER BUONGIORNO, EXAMINING ATTORNEY

United States Patent and Trademark Office

Assignments on the Web > Trademark Query

No assignment has been recorded at the USPTO

For Registration Number: 3224229

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.3.4
Web interface last modified: Jul 8, 2013 v.2.3.4

EXHIBIT D

Int. Cl.: 19

Prior U.S. Cls.: 1, 12, 33 and 50

United States Patent and Trademark Office

Reg. No. 3,217,157

Registered Mar. 13, 2007

TRADEMARK
PRINCIPAL REGISTER

KERAFLOR

MAPEI CORPORATION (ILLINOIS CORPORATION)
1144 EAST NEWPORT CENTER DRIVE
DEERFIELD BEACH, FL 33442

FOR: TILE AND STONE INSTALLATION MORTAR, IN CLASS 19 (U.S. CLS. 1, 12, 33 AND 50).

FIRST USE 0-0-1985; IN COMMERCE 0-0-1985.

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

SER. NO. 78-722,532, FILED 9-28-2005.

INGRID C. EULIN, EXAMINING ATTORNEY

United States Patent and Trademark Office

Assignments on the Web > Trademark Query

No assignment has been recorded at the USPTO

For Registration Number: 3217157

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.3.4
Web interface last modified: Jul 8, 2013 v.2.3.4

EXHIBIT E

Int. Cl.: 1

Prior U.S. Cls.: 1, 5, 6, 10, 26 and 46

United States Patent and Trademark Office

Reg. No. 3,210,579

Registered Feb. 20, 2007

TRADEMARK
PRINCIPAL REGISTER

KERALASTIC

MAPEI CORPORATION (ILLINOIS CORPORATION)
1144 EAST NEWPORT CENTER DRIVE
DEERFIELD BEACH, FL 33442

FOR: MORTAR LATEX ADDITIVE, IN CLASS 1 (U.S. CLS. 1, 5, 6, 10, 26 AND 46).

FIRST USE 0-0-1978; IN COMMERCE 0-0-1978.

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

SER. NO. 78-722,525, FILED 9-28-2005.

GINA HAYES, EXAMINING ATTORNEY

United States Patent and Trademark Office

Assignments on the Web > Trademark Query

No assignment has been recorded at the USPTO

For Registration Number: 3210579

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.3.4
Web interface last modified: Jul 8, 2013 v.2.3.4

EXHIBIT F

Int. Cl.: 1

Prior U.S. Cls.: 1, 5, 6, 10, 26 and 46

United States Patent and Trademark Office

Reg. No. 3,339,353

Registered Nov. 20, 2007

TRADEMARK
PRINCIPAL REGISTER

KERAPLY

MAPEI CORPORATION (ILLINOIS CORPORATION)
1144 EAST NEWPORT CENTER DRIVE
DEERFIELD BEACH, FL 33442

FOR: LATEX MORTAR ADDITIVE, IN CLASS 1 (U.S. CLS. 1, 5, 6, 10, 26 AND 46).

FIRST USE 0-0-1985; IN COMMERCE 0-0-1985.

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

SER. NO. 78-722,505, FILED 9-28-2005.

RAMONA ORTIGA, EXAMINING ATTORNEY

United States Patent and Trademark Office

Assignments on the Web > Trademark Query

No assignment has been recorded at the USPTO

For Registration Number: 3339353

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.3.4
Web interface last modified: Jul 8, 2013 v.2.3.4

EXHIBIT G

Int. Cl.: 17

Prior U.S. Cls.: 1, 5, 12, 13, 35 and 50

United States Patent and Trademark Office

Reg. No. 3,138,921

Registered Sep. 5, 2006

TRADEMARK
PRINCIPAL REGISTER

KER

MAPEI CORPORATION (ILLINOIS CORPORATION)
1144 EAST NEWPORT CENTER DRIVE
DEERFIELD BEACH, FL 33442

FOR: CAULK, IN CLASS 17 (U.S. CLS. 1, 5, 12, 13, 35 AND 50).

FIRST USE 0-0-1982; IN COMMERCE 0-0-1982.

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

SER. NO. 78-722,488, FILED 9-28-2005.

KELLEY WELLS, EXAMINING ATTORNEY

United States Patent and Trademark Office

Assignments on the Web > Trademark Query

No assignment has been recorded at the USPTO

For Registration Number: 3138921

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.3.4
Web interface last modified: Jul 8, 2013 v.2.3.4

EXHIBIT H

Int. Cl.: 1

Prior U.S. Cl.: 5

United States Patent and Trademark Office

Reg. No. 1,538,742

Registered May 16, 1989

TRADEMARK
PRINCIPAL REGISTER

KERASET

MAPEI CANADA INC. (CANADA CORPORATION)
2900 FRANCIS-HUGHES AVENUE
LAVAL, QUEBEC, CANADA H7L 3J5

FOR: CEMENT GLUE USED FOR FIXTURE OF CERAMIC TILES, IN CLASS 1 (U.S. CL. 5).

FIRST USE 3-23-1986; IN COMMERCE 3-23-1986.

SER. NO. 753,902, FILED 9-26-1988.

MICHAEL MURPHY, EXAMINING ATTORNEY

United States Patent and Trademark Office

Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: 73753902 **Filing Dt:** 09/26/1988 **Reg #:** 1538742 **Reg. Dt:** 05/16/1989

Registrant: MAPEI CANADA INC.

Mark: KERASET

Assignment: 1

Reel/Frame: 0676/0505 **Recorded:** 09/27/1989 **Pages:** 0

Conveyance: CHANGE OF NAME 19890628

Assignor: MAPEI CANADA INC. **Exec Dt:** 06/12/1989
Entity Type: UNKNOWN
Citizenship: NONE

Assignee: MAPEI INC. **Entity Type:** UNKNOWN
Citizenship: NONE

Correspondent: VIAU, LEGAULT, LONGTIN, ALLAIN,
REMILLARD, ROY
630, BOUL. RENE LEVESQUE QUEST
BUREAU 1850
MONTREAL, CAX H3B -1S6

Search Results as of: 10/15/2013 10:20 AM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.3.4

Web interface last modified: Jul 8, 2013 v.2.3.4

EXHIBIT I

Int. Cl.: 1

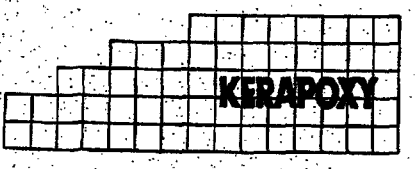
Prior U.S. Cls.: 6 and 12

United States Patent and Trademark Office

Reg. No. 1,533,801

Registered Apr. 11, 1989

TRADEMARK
PRINCIPAL REGISTER



MAPEI CANADA INC. (CANADA CORPORATION)
2900 FRANCIS-HUGHES AVENUE
LAVAL, QUEBEC, CANADA H7L 3J5

FOR: SOLID EPOXY FOR SETTING AND GROUTING TILES FOR INDUSTRIAL, COMMERCIAL AND INSTITUTIONAL APPLICATIONS, NAMELY, CERAMIC FLOOR AND WALL TILES, QUARRY TILES, ACID-RESISTANT FLOOR BRICKS AND PAVERS, IN CLASS 1 (U.S. CLS. 6 AND 12).

FIRST USE 12-24-1985; IN COMMERCE 12-24-1985.

SER. NO. 702,744, FILED 12-24-1987.

KRISTEN S. BYERS, EXAMINING ATTORNEY

United States Patent and Trademark Office

Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: 73702744 **Filing Dt:** 12/24/1987 **Reg #:** 1533801 **Reg. Dt:** 04/11/1989

Registrant: MAPEI CANADA INC.

Mark: KERAPOXY

Assignment: 1

Reel/Frame: 0676/0505 **Recorded:** 09/27/1989 **Pages:** 0

Conveyance: CHANGE OF NAME 19890628

Assignor: MAPEI CANADA INC. **Exec Dt:** 06/12/1989
Entity Type: UNKNOWN
Citizenship: NONE

Assignee: MAPEI INC. **Entity Type:** UNKNOWN
Citizenship: NONE

Correspondent: VIAU, LEGAULT, LONGTIN, ALLAIN,
REMILLARD, ROY
630, BOUL. RENE LEVESQUE QUEST
BUREAU 1850
MONTREAL, CAX H3B -1S6

Search Results as of: 10/15/2013 10:20 AM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.3.4

Web interface last modified: Jul 8, 2013 v.2.3.4

EXHIBIT J

STATUS DOCUMENTS | Back to Search | Print

Generated on: This page was generated by TSDR on 2013-10-15 10:25:14 EDT

Mark: KERACOLOR

KERACOLOR

US Serial Number: 78722549 **Application Filing Date:** Sep. 28, 2005

Register: Principal

Mark Type: Trademark

Status: Suspension check completed. Application remains suspended.

Status Date: Jun. 03, 2013

Mark Information

Mark Literal Elements: KERACOLOR

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Sanded grout

International Class(es): 019 - Primary Class **U.S Class(es):** 001, 012, 033, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: 1985 **Use in Commerce:** 1985

Basis Information (Case Level)

Filed Use:	Yes	**Currently Use:**	Yes	**Amended Use:**	No
Filed ITU:	No	**Currently ITU:**	No	**Amended ITU:**	No
Filed 44D:	No	**Currently 44D:**	No	**Amended 44D:**	No
Filed 44E:	No	**Currently 44E:**	No	**Amended 44E:**	No
Filed 66A:	No	**Currently 66A:**	No		
Filed No Basis:	No	**Currently No Basis:**	No		

Current Owner(s) Information

Owner Name: Mapei Corporation

Owner Address: 1144 East Newport Center Drive
Deerfield Beach, FLORIDA 33442
UNITED STATES

Legal Entity Type: CORPORATION **State or Country Where Organized:** ILLINOIS

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jess M. Collen **Docket Number:** 96975

Correspondent

Correspondent Name/Address: JESS M COLLEN
COLLEN IP, INTELLECTUAL PROPERTY LAW, P
THE HOLYOKE-MANHATTAN BLDG 80 S
OSSINING, NEW YORK 10562

UNITED STATES

Phone: 914-941-5668 **Fax:** 914-941-6091

Domestic Representative

Domestic Representative Name: Jess M. Collen **Phone:** 914-941-5668

Fax: 914-941-6091

Prosecution History

Date	Description	Proceeding Number
Jun. 03, 2013	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	68171
Nov. 26, 2012	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	68171
May 17, 2012	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Nov. 17, 2011	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	68171
May 17, 2011	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Nov. 17, 2010	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
May 17, 2010	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Nov. 16, 2009	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
May 15, 2009	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Nov. 15, 2008	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	

May 15, 2008	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	68171
May 15, 2008	ASSIGNED TO LIE	68171
Nov. 15, 2007	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
May 15, 2007	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Nov. 15, 2006	LETTER OF SUSPENSION MAILED	
Nov. 14, 2006	SUSPENSION LETTER WRITTEN	74671
Oct. 23, 2006	AMENDMENT FROM APPLICANT ENTERED	78145
Oct. 10, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	78145
Oct. 10, 2006	PAPER RECEIVED	
Apr. 03, 2006	NON-FINAL ACTION MAILED	
Mar. 31, 2006	NON-FINAL ACTION WRITTEN	74671
Mar. 31, 2006	ASSIGNED TO EXAMINER	74671
Oct. 04, 2005	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: BROWN, BARBARA TROFFKI **Law Office Assigned:** LAW OFFICE 116

File Location

Current Location: TMO LAW OFFICE 116 **Date in Location:** Jun. 03, 2013

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Proceedings - Click to Load

United States Patent and Trademark Office

Assignments on the Web > Trademark Query

No assignment has been recorded at the USPTO

For Serial Number: 78722549

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.3.4
Web interface last modified: Jul 8, 2013 v.2.3.4

EXHIBIT K

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Mark: KERACLEAN

KERACLEAN

US Serial Number: 85722664 **Application Filing Date:** Sep. 06, 2012

Register: Principal

Mark Type: Trademark

Status: A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVUE on the Trademark Trial and Appeal Board web page.

Status Date: Sep. 19, 2013

Publication Date: Aug. 20, 2013

Mark Information

Mark Literal Elements: KERACLEAN

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Cleaner for grouts and ceramic tiles

International Class(es): 003 - Primary Class **U.S Class(es):** 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use:	No	**Currently Use:**	No	**Amended Use:**	No
Filed ITU:	Yes	**Currently ITU:**	Yes	**Amended ITU:**	No
Filed 44D:	No	**Currently 44D:**	No	**Amended 44D:**	No
Filed 44E:	No	**Currently 44E:**	No	**Amended 44E:**	No
Filed 66A:	No	**Currently 66A:**	No		
Filed No Basis:	No	**Currently No Basis:**	No		

Current Owner(s) Information

Owner Name: Mapei Corporation

Owner Address: 1144 East Newport Center Drive
Deerfield Beach, FLORIDA 33442
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: ILLINOIS

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jess M. Collen

Docket Number: N1662

Attorney Primary Email Address: trademark@collenip.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JESS M. COLLEN
COLLEN IP, INTELLECTUAL PROPERTY LAW, P.C.

80 S HIGHLAND AVE
OSSINING, NEW YORK 10562-5615
UNITED STATES

Phone: (914) 941-5668 **Fax:** (914) 941-6091

Correspondent e-mail: trademark@collenip.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 19, 2013	EXTENSION OF TIME TO OPPOSE RECEIVED	
Aug. 20, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 20, 2013	PUBLISHED FOR OPPOSITION	
Jul. 31, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 12, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	66121
Jul. 11, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 11, 2013	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jan. 11, 2013	LETTER OF SUSPENSION E-MAILED	6332
Jan. 11, 2013	SUSPENSION LETTER WRITTEN	72508
Jan. 11, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	66121
Jan. 11, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	66121
Jan. 09, 2013	ASSIGNED TO LIE	66121
Jan. 04, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 29, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Dec. 29, 2012	NON-FINAL ACTION E-MAILED	6325
Dec. 29, 2012	NON-FINAL ACTION WRITTEN	72508
Dec. 29, 2012	ASSIGNED TO EXAMINER	72508

Sep. 14, 2012	NOTICE OF PSEUDO MARK MAILED
Sep. 13, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM
Sep. 10, 2012	NEW APPLICATION ENTERED IN TRAM

TM Staff and Location Information

TM Staff Information

TM Attorney: GAYNOR, BARBARA ANNE **Law Office Assigned:** LAW OFFICE 115

File Location

Current Location: PUBLICATION AND ISSUE SECTION **Date in Location:** Jul. 12, 2013

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United States Patent and Trademark Office

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For Serial Number: 85722664

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Web interface last modified: Jul 8, 2013 v.2.3.4

CERTIFICATE OF SERVICE

I, Troy L. Jordan, hereby certify that I caused a true and correct copy of the foregoing Notice of Opposition to be served upon:

Welsh Flaxman & Gitler LLC
200 Duke Street, Suite 100
Alexandria, VA 22314-6101
Attn: Stuart L. Gitler

Via first-class mail, postage pre-paid.

Said service having taken place this 15th day of October, 2013.

Troy L. Jordan