

AFFIDAVIT

DISTRICT OF COLUMBIA)
)
CITY OF WASHINGTON) ss.

I, Ernie Rosenberg, being first duly sworn upon oath, depose and state as follows:

1. I am the President and CEO of The Soap and Detergent Association (“SDA”), a trade association that represents manufacturers of household, industrial and institutional cleaning products, their ingredients and finished packaging and oleochemical producers. SDA serves as an advocate for the cleaning product and oleochemical industries and to promote the benefits of cleanliness and hygiene. I have served SDA in that capacity for seven (7) years.

2. Since 1926, SDA has been the premier trade association of its type, engaging in a broad range of research, informational, educational, legislative and promotional activities, all directed to advancing the interests of its members.

3. At present, SDA’s membership consists of more than 100 companies, including such industry giants as Procter & Gamble, The Dial Soap Company, BASF Corporation, Colgate-Palmolive Company, The Dow Chemical Company and S.C. Johnson & Son, Inc. A complete list of SDA’s members is attached as Exhibit A.

4. We estimate that SDA members produce over 90% of the cleaning products marketed in the U.S.

5. Since at least as early as 2004, SDA has used and continues to use the trademark THE HOME OF THE U.S. CLEANING PRODUCT AND OLEOCHEMICAL INDUSTRIES (the “SDA Tagline”) as an association identifier and tagline for the services it offers to its members and the public.

6. SDA has used and continues to use the SDA Tagline in a variety of mediums including on its website, on annual reports distributed to its members, on press releases, at industry trade shows and conferences and on other advertising and promotional materials.

7. For example, SDA uses the SDA Tagline on its website, www.cleaning101.com, which serves as SDA’s home on the World Wide Web. Since the SDA Tagline first appeared on the www.cleaning101.com website, the website has received over 2,000,000 “hits” from visitors.

8. Further, since at least as early as 2005, SDA has prominently applied the SDA Tagline to its membership reports. These reports—each displaying the SDA Tagline—are distributed to SDA’s more than 100 member companies to describe SDA’s annual activities, accomplishments and future goals. SDA has distributed over 2,000 printed copies of membership reports bearing the SDA Tagline. In turn, the more than 100 member companies

further distribute the SDA membership reports to employees within their companies. Additionally, SDA's membership reports displaying the SDA Tagline are available electronically for its members and the general public on the www.cleaning101.com website. A copy of SDA's 2006-2007 report to the membership displaying the SDA Tagline on its cover is attached as Exhibit B.

9. Since at least as early as 2004, SDA has included the SDA Tagline at the end of its press releases. Since that time, SDA has issued in excess of twenty-five (25) press releases. Examples of these press releases are attached as Exhibit C.


10. I am aware that the SDA Tagline has appeared in a variety of articles in trade publications discussing SDA and its services, including Happi magazine, Chemical Market Reporter and Chemical Week magazine. Examples of these publications are attached as Exhibit D.

11. As a result of SDA's substantially exclusive and continuous use of the SDA Tagline in commerce for nearly three years, SDA believes that the SDA Tagline has become distinctive of SDA's services.

12. I further declare as required by 37 C.F.R. Section 2.20 that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the federal service mark application or any registration resulting therefrom.


Ernie Rosenberg

The foregoing Affidavit was subscribed and sworn to before me this 2 day of April, 2007.


Notary Public Expire 7-31-2010