

ESTTA Tracking number: **ESTTA159309**

Filing date: **08/28/2007**

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	Shurfine Foods, Inc.
Granted to Date of previous extension	09/02/2007
Address	6700 SW Sandburg Road Tigard, OR 97223 UNITED STATES
Attorney information	Hillary A. Brooks Marger Johnson & McCollom, PC 210 SW Morrison, Suite 400 Portland, OR 97204 UNITED STATES litigationdocketing@techlaw.com, laura@techlaw.com, hope@techlaw.com, hillary@techlaw.com, Phone:503-222-3613

Applicant Information

Application No	78961407	Publication date	03/06/2007
Opposition Filing Date	08/28/2007	Opposition Period Ends	09/02/2007
Applicant	Perdue Holdings, Inc. 1105 N. Market St. Wilmington, DE 19801 UNITED STATES		

Goods/Services Affected by Opposition

Class 029. All goods and services in the class are opposed, namely: Poultry
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Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
The mark is merely descriptive	Trademark Act section 2(e)(1)
Dilution	Trademark Act section 43(c)
Genericness	Trademark Act section 23
Other	Likelihood of confusion with opposer's family of marks

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2710943	Application Date	02/15/2002
Registration Date	04/29/2003	Foreign Priority Date	NONE
Word Mark	SHURFINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 029. First use: First Use: 1932/12/31 First Use In Commerce: 1932/12/31 Canned vegetables, canned vegetables for babies, canned fish, canned shellfish, canned chili con carne, peanut butter, evaporated milk, canned shoestring potatoes, pork and beans, tomato puree, canned pimientos, canned mushrooms, processed and canned olives, pickles, olive oil, sandwich spread, namely, meat-based and vegetable spreads, and canned coconut</p> <p>Class 030. First use: First Use: 1932/12/31 First Use In Commerce: 1932/12/31 Table syrups, honey, prepared spaghetti, tomato sauce, spaghetti sauce, prepared mustard, vinegar, tomato catsup, chili sauce, French dressing, salad dressing, mayonnaise, chili powder, spices, salt, coffee, tea, cornstarch, brown bread, macaroni, noodles, vermicelli, spaghetti, baking chocolate, baking powder, breakfast cereals, cake flour, pancake flour and biscuit flour</p> <p>Class 032. First use: First Use: 1932/12/31 First Use In Commerce: 1932/12/31 Canned vegetable juices</p>		

U.S. Registration No.	2506497	Application Date	11/22/2000
Registration Date	11/13/2001	Foreign Priority Date	NONE
Word Mark	SHUR FINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 042. First use: First Use: 1995/11/00 First Use In Commerce: 1995/11/00 Restaurants; food services, namely, home meal replacement services consisting of the preparation and service of carryout, home-style meals</p>		

U.S. Registration No.	2425809	Application Date	05/13/1999
Registration Date	01/30/2001	Foreign Priority Date	NONE
Word Mark	SHURFINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 029. First use: First Use: 1999/07/27 First Use In Commerce: 1999/07/27 fresh meat, namely beef</p>		

U.S. Registration No.	2341464	Application Date	07/13/1999
Registration Date	04/11/2000	Foreign Priority Date	NONE
Word Mark	SHURFINE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 1997/06/00 First Use In Commerce: 1997/06/00 telephone calling card services

U.S. Registration No.	2285574	Application Date	11/18/1998
Registration Date	10/12/1999	Foreign Priority Date	NONE
Word Mark	SHURFINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 031. First use: First Use: 1998/03/01 First Use In Commerce: 1998/03/01 Fresh fruits and vegetables		

U.S. Registration No.	1928809	Application Date	09/03/1991
Registration Date	10/24/1995	Foreign Priority Date	NONE
Word Mark	SHUR FINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 1989/09/30 First Use In Commerce: 1989/09/30 bouillon cubes, canned salmon, canned tuna, chicken salad, chopped ham salad, coffee creamers, cream cheese, frozen chicken, frozen coffee creamers, hominy, jalapeno spread, lebanon bologna, pickled peppers/onions, pork sausage, potato salad, refrigerated spreads, including cheese-based spreads, fruit-based spreads,[meat-based spreads]and vegetable-based spreads, strawberry gelatin, vegetable based food dips		

U.S. Registration No.	1916702	Application Date	07/21/1994
Registration Date	09/05/1995	Foreign Priority Date	NONE
Word Mark	SHUR FINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1988/10/26 First Use In Commerce: 1988/10/26 unflavored bottled water		

U.S. Registration No.	1847799	Application Date	09/03/1991
Registration Date	08/02/1994	Foreign Priority Date	NONE
Word Mark	SHUR FINE		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 030. First use: First Use: 1988/06/30 First Use In Commerce: 1988/06/30 barbecue sauce, bread crumbs, brownie mix, flavoring syrups including cocoa and milk modifiers, corn syrup, english muffins, frozen pasta combinations, frozen pastry shells, meat sauces, seasoned coatings for meat, fish and poultry, refrigerated biscuits, rolls, seafood cocktail sauce, sloppy joe sauce, stuffing mixes containing bread and toaster pastries

U.S. Registration No.	1820916	Application Date	09/03/1991
Registration Date	02/15/1994	Foreign Priority Date	NONE
Word Mark	SHUR FINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1988/03/30 First Use In Commerce: 1988/03/30 premoistened cosmetic towelettes, pine disinfectant all-purpose cleaning preparations, scouring all-purpose cleaning preparations Class 011. First use: First Use: 1988/10/30 First Use In Commerce: 1988/10/30 electric light bulbs Class 016. First use: First Use: 1988/08/30 First Use In Commerce: 1988/08/30 paper filters for coffee makers, disposable diapers and paper bags Class 021. First use: First Use: 1988/02/25 First Use In Commerce: 1988/02/25 cups, cleaning pads, paper and plastic plates		

U.S. Registration No.	1702791	Application Date	09/09/1991
Registration Date	07/28/1992	Foreign Priority Date	NONE
Word Mark	SHURFINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1988/07/03 First Use In Commerce: 1988/07/03 air fresheners and rug deodorizers, antacids, cold tablets, cotton puffs and cotton swabs for medical purposes, decongestant tablets, epsom salt, hydrogen peroxide, ibuprofen, non-aspirin pain relievers, isopropyl alcohol, sanitary napkins and witch hazel		

U.S. Registration No.	1691599	Application Date	02/19/1991
Registration Date	06/09/1992	Foreign Priority Date	NONE
Word Mark	SHURFINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 1989/02/07 First Use In Commerce: 1989/02/07		

	rubber household gloves		
U.S. Registration No.	1683923	Application Date	02/19/1991
Registration Date	04/21/1992	Foreign Priority Date	NONE
Word Mark	SHURFINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 031. First use: First Use: 1977/08/31 First Use In Commerce: 1977/08/31 pet food		

U.S. Registration No.	1134376	Application Date	09/10/1976
Registration Date	05/06/1980	Foreign Priority Date	NONE
Word Mark	SHURFINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 001. First use: First Use: 1975/08/00 First Use In Commerce: 1975/08/00 SUGAR SUBSTITUTE</p> <p>Class 002. First use: First Use: 1972/00/00 First Use In Commerce: 1972/00/00 [FOOD COLORING]</p> <p>Class 003. First use: First Use: 1972/00/00 First Use In Commerce: 1972/00/00 AFTER SHAVE LOTION, HOUSEHOLD AMMONIA, BABY OIL, BABY POWDER, BATH OIL, HOUSEHOLD BLEACH, CREAM RINSE, FABRIC SOFTENER, HAND LOTION; LIQUID AND DRY DETERGENTS, PRINCIPALLY FOR HOUSEHOLD USE; MOUTHWASH, NAIL POLISH REMOVER, WINDOW CLEANERS, HAIR SHAMPOO, SKIN CARE LOTION, SPRAY STARCH, TOOTHPASTE</p> <p>Class 004. First use: First Use: 1974/00/00 First Use In Commerce: 1974/00/00 CHARCOAL BRIQUETS, CHARCOAL LIGHTER FLUID</p> <p>Class 005. First use: First Use: 1972/00/00 First Use In Commerce: 1972/00/00 ASPIRIN, DISINFECTANT SPRAY, PETROLEUM JELLY, VITAMINS, VITAMIN AND MINERAL COMBINATION</p> <p>Class 006. First use: First Use: 1973/00/00 First Use In Commerce: 1973/00/00 ALUMINUM FOIL</p> <p>Class 016. First use: First Use: 1972/00/00 First Use In Commerce: 1972/00/00 PAPER NAPKINS, TOILET PAPER, PLASTIC WRAP, FACIAL TISSUES, PAPER TOWELS</p> <p>Class 021. First use: First Use: 1973/00/00 First Use In Commerce: 1973/00/00 NON-WOVEN CLEANING CLOTHS, SPONGES, TOOTHBRUSHES</p> <p>Class 022. First use: First Use: 1972/00/00 First Use In Commerce: 1972/00/00 PLASTIC GARBAGE BAGS, PLASTIC SANDWICH BAGS, PLASTIC STORAGE BAGS, PLASTIC TRASH CAN LINERS, PLASTIC WASTE BASKET LINERS</p> <p>Class 029. First use: First Use: 1973/00/00 First Use In Commerce: 1973/00/00 BACON, BEEF STEW, BUTTER, CANNED FRUITS, AND VEGETABLES,</p>		

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