

ESTTA Tracking number: **ESTTA198212**

Filing date: **03/13/2008**

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.		
Entity	Corporation	Citizenship	Illinois
Address	6700 S.W. Sandburg Road Portland, OR 97223 UNITED STATES		

Attorney information	Hillary A. Brooks Marger, Johnson & McCollom, P.C. 210 S.W. Morrison St., Ste. 400 Portland, OR 97204 UNITED STATES docketing@techlaw.com, hillary@techlaw.com, laura@techlaw.com, jennifer@techlaw.com Phone:(503) 222-3613
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**Applicant Information**

Application No	77253250	Publication date	02/12/2008
Opposition Filing Date	03/13/2008	Opposition Period Ends	03/13/2008
Applicant	Khan, Tariq O 4041 Aldergate Place Winter Springs, FL 32708 UNITED STATES		

**Goods/Services Affected by Opposition**

<p>Class 005. First Use: 2007/07/23 First Use In Commerce: 2007/08/10 All goods and services in the class are opposed, namely: Calcium supplements; Dietary and nutritional supplements; Dietary and nutritionally fortified food products adapted for medical use; Dietary drink mix for use as a meal replacement; Dietary fiber as an additive for food products; Dietary food supplements; Dietary supplemental drinks; Dietary supplements; Dietary supplements for animals; Dietary supplements for human consumption; Food supplements, namely, anti-oxidants; Ground flaxseed fiber for use as a dietary supplement; Herbal supplements; Lecithin for use as a dietary supplement; Meal replacement and dietary supplement drink mixes; Mineral nutritional supplements; Mineral supplements; Nutraceuticals for use as a dietary supplement; Nutritional additives for medical purposes for use in foods and dietary supplements for human consumption; Nutritional supplements; Nutritional supplements in lotion form sold as a component of nutritional skin care products; Powdered fruit-flavored dietary supplement drink mix; Powdered nutritional supplement drink mix; Vitamin and mineral supplements; Vitamin supplement in tablet form for use in making an effervescent beverage when added to water; Vitamin supplements; Wheat for use as a dietary supplement</p>
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
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The mark is merely descriptive	Trademark Act section 2(e)(1)
Dilution	Trademark Act section 43(c)
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</p>		

	fresh meat, namely beef		
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	NONE

		Date	
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.	558657	Application Date	08/10/1949
Registration Date	05/13/1952	Foreign Priority Date	NONE
Word Mark	SHURFINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U045 (International Class 032). First use: First Use: 1936/06/01 First Use In Commerce: 1936/06/01 GRAPE JUICE, AND NON-ALCOHOLIC, NON-CEREAL, MALTLESS BEVERAGES SOLD AS SOFT DRINKS, AND SYRUPS AND EXTRACTS FOR MAKING SAME		

U.S. Registration No.	2153416	Application Date	09/26/1996
Registration Date	04/28/1998	Foreign Priority Date	NONE
Word Mark	SHUR VALU		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 004. First use: First Use: 1993/12/00 First Use In Commerce: 1993/12/00 [ charcoal lighter fluid; charcoal briquets ] Class 008. First use: First Use: 1992/12/31 First Use In Commerce: 1992/12/31 [ tableware, namely, plastic forks, knives and spoons ] Class 011. First use: First Use: 1992/12/00 First Use In Commerce: 1992/12/00 [ electric light bulbs ] Class 016. First use: First Use: 1992/07/00 First Use In Commerce: 1992/07/00 [ paper coffee filters, paper napkins, plastic sandwich bags, plastic garbage		

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