

ESTTA Tracking number: **ESTTA217060**

Filing date: **06/11/2008**

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.
Granted to Date of previous extension	06/11/2008
Address	6700 SW Sandburg Road Portland, OR 97223 UNITED STATES
Attorney information	Hillary A. Brooks Marger Johnson & McCollom, PC 210 SW Morrison, Suite 400 Portland, OR 97204 UNITED STATES docketing@techlaw.com, hillary@techlaw.com, jennifer@techlaw.com, laura@techlaw.com Phone:(503) 222-3613

Applicant Information

Application No	77254681	Publication date	02/12/2008
Opposition Filing Date	06/11/2008	Opposition Period Ends	06/11/2008
Applicant	Carson Optical, Inc. 35 Gilpin Avenue Hauppauge, NY 11788 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 1998/09/12 First Use In Commerce: 1999/01/08 All goods and services in the class are opposed, namely: Magnifying glasses; Magnifying glasses that fit on the user's face in the manner of eyeglasses; Magnifying lenses
--

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)
Other	Likelihood of confusion with Opposer's family of trademarks.

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	NONE

		Date	
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	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		

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, CHILI, CANNED SOUPS, CORN OIL, COTTAGE CHEESE, DRIED BEANS, DRIED MILK, DRIED PEAS, WHOLE [AND SPLIT DRIED] EGGS, EVAPORATED MILK, FLUID MILK, FRANKFURTERS, FROZEN FRUITS AND VEGETABLES, FROZEN FISH, GRATED CHEESE, HAM, INSTANT MASHED POTATO FLAKES, HASH, INSTANT MILK, INSTANT SOUP MIXES, JELLIES, LUNCHEON MEATS, MARGARINE, MAYONNAISE, OLIVE OIL, PACKAGED CHEESE, PEANUT BUTTER, PICKLES, PIMENTO, POTATO CHIPS, POTTED MEAT, PRESERVES, ROASTED NUTS, SALAD DRESSING, SALMON, SANDWICH SPREAD, SAUSAGES, SHORTENING, TUNA, TURKEYS, VEGETABLE OIL, TOMATO PUREE, TOMATO PASTE, DAIRY AND NONDAIRY BASED WHIPPED TOPPINGS</p> <p>Class 030. First use: First Use: 1972/00/00 First Use In Commerce: 1972/00/00 BREAD, BROWN and SERVE ROLLS, BISCUIT MIX, CANDIED CAKE DECORATIONS, CAKE MIXES, COFFEE; CONFECTIONS-NAMELY, HARD CANDY, CHOCOLATE BITS AND JELLIES; COOKIES, CORNBREAD, CORN MEAL, CORNMUFFIN MIX, CRACKERS, CATSUP, CHILI SAUCE, DONUTS, DRIED BARLEY, ENGLISH MUFFINS, FLAVORING EXTRACTS, FLOUR, FROSTING MIX, FROZEN PIZZA, HAMBURGER AND HOT DOG ROLLS, ICE</p>		

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.