

ESTTA Tracking number: **ESTTA277808**

Filing date: **04/15/2009**

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 SW Sandburg St. Tigard, 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 litigationdocketing@techlaw.com, hillary@techlaw.com Phone:503-222-3613		
----------------------	--	--	--

**Applicant Information**

Application No	77592901	Publication date	03/17/2009
Opposition Filing Date	04/15/2009	Opposition Period Ends	04/16/2009
Applicant	Rocky Lee Marshall 14750 US HWY 77 Lexington, OK 73051 UNITED STATES		

**Goods/Services Affected by Opposition**


<p>Class 005. All goods and services in the class are opposed, namely: Amino acids for nutritional purposes; Animal feed additive for use as a nutritional supplement for medical purposes; Animal feed supplements; Bee pollen for use as a dietary food supplement; Calcium montmorillonite clay for therapeutic purposes used to enhance the production of enzymes in living beings or as a mineral supplement; Calcium supplements; Dietary and nutritional supplements; Dietary beverage supplements for human consumption in liquid and dry mix form for therapeutic purposes; Dietary food supplements; Dietary pet supplements in the form of pet treats; Dietary supplemental drinks; Dietary supplements; Dietary supplements for animals; Dietary supplements for controlling cholesterol; Dietary supplements for human consumption; Dietary supplements for pets; Dietary supplements for pets in the nature of a powdered drink mix; Feed supplements for cats and dogs; Food supplements; Food supplements, namely, anti-oxidants; Ground flaxseed fiber for use as a dietary supplement; Herbal supplements; Homeopathic supplements; Intravenous fluids used for rehydration, nutrition and the delivery of pharmaceutical preparations; Lecithin for use as a dietary supplement; Liquid nutritional supplement; Meal replacement and dietary supplement drink mixes; Mineral food supplements; Mineral nutritional supplements; Mineral supplements; Natural herbal supplements; Natural supplements for treating candida; Natural supplements for treating depression and anxiety; Natural supplements for treating erectile dysfunction; Non-medicated additives for animal feed for use as nutritional supplements; Nutraceuticals for use as a dietary supplement; Nutritional additives for livestock feed for medical purposes; Nutritional additives for medical purposes for use in foods and</p>
--

dietary supplements for human consumption; Nutritional additives to foodstuffs for animals, for medical purposes; Nutritional drink mix for use as a meal replacement; Nutritional drinks for animals; Nutritional drinks used for meal replacement; Nutritional energy bars for use as a meal substitute; Nutritional oils not for cosmetic purposes; Nutritional oils not for food or cosmetic purposes; Nutritional shakes for use as a meal substitute; Nutritional supplement in the nature of a nutrient-dense, protein-based drink mix; Nutritional supplements; Nutritional supplements in lotion form sold as a component of nutritional skin care products; Nutritive substances for micro-organisms for medical use; Nutritive substances for microorganism cultures; Nutritive substances for microorganisms for medical purposes; Powdered fruit-flavored dietary supplement drink mix; Powdered nutritional supplement drink mix; Protein supplements; Soy protein for use as a nutritional supplement in various powdered and ready-to-drink beverages; Vitamin and mineral supplements; Vitamin supplement in tablet form for use in making an effervescent beverage when added to water; Vitamin supplements; Vitamins and dietary food supplements for animals; Wheat for use as a dietary supplement; Zinc supplement lozenges

### Grounds for Opposition

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)
Other	Likelihood of confusion with Opposer's Family of Marks.

### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3561021	Application Date	06/27/2008
Registration Date	01/13/2009	Foreign Priority Date	NONE
Word Mark	SHURFINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 002. First use: First Use: 2004/09/00 First Use In Commerce: 2004/09/00 food colors for domestic use		

U.S. Registration No.	3557469	Application Date	06/27/2008
Registration Date	01/06/2009	Foreign Priority Date	NONE
Word Mark	SHURFINE		

Design Mark	<h1>SHURFINE</h1>		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2000/10/00 First Use In Commerce: 2000/10/00 batteries		

U.S. Registration No.	3557361	Application Date	05/28/2008
Registration Date	01/06/2009	Foreign Priority Date	NONE
Word Mark	SHURFINE		
Design Mark	<h1>SHURFINE</h1>		
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 1990/01/01 First Use In Commerce: 1990/01/01 Matches; cigar and cigarette lighters not for land vehicles		

U.S. Registration No.	3557360	Application Date	05/28/2008
Registration Date	01/06/2009	Foreign Priority Date	NONE
Word Mark	SHURFINE		

Design Mark	<h1>SHURFINE</h1>		
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2002/03/01 First Use In Commerce: 2002/03/01 Bottled water; distilled drinking water; seltzer water; sparkling water; soda water; flavored waters; vegetable juices; apple-juice beverages; orange-juice beverages; fruit juice; fruit drinks; fruit juice concentrates; sports drinks; soda pops; soft drinks; and concentrates, syrups or powders used in the preparation of drinks		

U.S. Registration No.	3557359	Application Date	05/28/2008
Registration Date	01/06/2009	Foreign Priority Date	NONE

Word Mark	SHURFINE		
-----------	----------	--	--

Design Mark	<h1>SHURFINE</h1>		
Description of Mark	NONE		
Goods/Services	Class 031. First use: First Use: 1990/01/01 First Use In Commerce: 1990/01/01 dog food; puppy food; cat food; dog biscuits; cat litter; bird seed; and pet treats		

U.S. Registration No.	3557358	Application Date	05/28/2008
Registration Date	01/06/2009	Foreign Priority Date	NONE

Word Mark	SHURFINE		
-----------	----------	--	--

Design Mark	<h1>SHURFINE</h1>
Description of Mark	NONE
Goods/Services	<p>Class 030. First use: First Use: 2006/06/01 First Use In Commerce: 2006/06/01</p> <p>Pasta and noodles; dried pasta; macaroni and cheese; breakfast cereals; ready to eat, cereal derived food bars; hot cereal; ready to eat cereals; bread and pastry; muffins; biscuits; cookie dough; taco shells; dessert puddings; instant puddings; flavored and sweetened gelatins; coffee; decaffeinated coffee; instant coffee; tea; tea bags; instant tea; iced tea mix; cake mixes; brownie mixes; instant pancake mixes; muffin mixes; stuffing mixes containing bread; flour for food; wheat flour; corn flour; sugar; brown sugar; powdered sugar; sugar substitutes; processed coconut; frosting mixes; corn meal; croutons; pie crusts; confectionery chips for baking; chocolate chips; baking soda; yeast; yeast powder; bread crumbs; popcorn; candy coated popcorn; microwave popcorn; tortilla chips; corn chips; pretzels; cheese curls and puffs; snack mix consisting primarily of crackers, pretzels, candied nuts and/or popped popcorn; pastries; toaster pastries; granola-based snack bars; frozen meals consisting primarily of pasta; frozen pizza; frozen appetizers consisting primarily of bread, sauce, and cheese; frozen desserts consisting of fruit and cream or cream substitutes; gravies; meat gravies; relish; pimiento used as a condiment; unpopped popcorn; rice; rice and seasoning mix combined in unitary packages; frozen bakery goods; ketchup; mustard; vinegar; barbecue sauces; chili sauce; soy sauce; steak sauce; teriyaki sauce; Worcestershire sauce; hot sauce; salsa; picante sauce; marinades; pizza sauce; spaghetti sauce; pancake syrup; maple syrup; corn syrup; cocoa mixes; cocoa powder; topping syrup; chocolate syrup; honey; waffles; salt; table salt; pepper; extracts used as flavoring; spices; baking spices; dry spice rub for meats and fish; spice blends; spice rubs; gravy; gravy mixes; taco seasoning; sauce mixes; dry seasoning mixes for gravy, spaghetti, stews, meatloaf and sloppy Joes; seasoned coating for meat, fish, and poultry; tortillas; mayonnaise; salad dressing; beverages made of tea; candy; cookies; crackers; ice cream; cones for ice cream; and frozen confections, namely, freezer pops; chocolate topping</p>

U.S. Registration No.	3557357	Application Date	05/28/2008
Registration Date	01/06/2009	Foreign Priority Date	NONE
Word Mark	SHURFINE		

# 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.