

ESTTA Tracking number: **ESTTA557798**

Filing date: **09/04/2013**

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	09/04/2013
Address	6700 SW Sandburg Street Tigard, OR 97223 UNITED STATES

Attorney information	Delfina S. Homen Marger Johnson & McCollom PC 210 SW Morrison Street Suite 400 Portland, OR 97204 UNITED STATES litigationdocketing@techlaw.com,delfina.homen@techlaw.com,amanda.bernardy@techlaw.com Phone:503-222-3613
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Applicant Information

Application No	85801097	Publication date	05/07/2013
Opposition Filing Date	09/04/2013	Opposition Period Ends	09/04/2013
Applicant	Lawrence Foods, Inc. 2200 Lunt Avenue Elk Grove Village, IL 60007 UNITED STATES		

Goods/Services Affected by Opposition

Class 030. All goods and services in the class are opposed, namely: Icing, rolled fondant, piping gel, and glaze used on donuts, cookies and other confectionary goods

Applicant Information

Application No	85871125	Publication date	05/07/2013
Opposition Filing Date	09/04/2013	Opposition Period Ends	
Applicant	Lawrence Foods, Inc. 2200 Lunt Avenue Elk Grove Village, IL 60007 UNITED STATES		

Goods/Services Affected by Opposition

Class 030. First Use: 2013/03/06 First Use In Commerce: 2013/03/06
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All goods and services in the class are opposed, namely: Icing and glazes for cakes, pies, donuts, and bakery goods

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3557358	Application Date	05/28/2008
Registration Date	01/06/2009	Foreign Priority Date	NONE
Word Mark	SHURFINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 030. First use: First Use: 2006/06/01 First Use In Commerce: 2006/06/01 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.	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	Class 029. First use: First Use: 1932/12/31 First Use In Commerce: 1932/12/31		

	<p>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</p> <p>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</p> <p>Canned vegetable juices</p>
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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	<p>Class 030. First use: First Use: 1988/06/30 First Use In Commerce: 1988/06/30</p> <p>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</p>		

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</p> <p>SUGAR SUBSTITUTE</p> <p>Class 002. First use: First Use: 1972/00/00 First Use In Commerce: 1972/00/00</p> <p>[FOOD COLORING]</p> <p>Class 003. First use: First Use: 1972/00/00 First Use In Commerce: 1972/00/00</p> <p>[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</p> <p>CHARCOAL BRIQUETS, CHARCOAL LIGHTER FLUID</p> <p>Class 005. First use: First Use: 1972/00/00 First Use In Commerce: 1972/00/00</p> <p>[ASPIRIN,] DISINFECTANT SPRAY [, PETROLEUM JELLY, VITAMINS,</p>		

	<p>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 TOPPING</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 CREAM, ICE MILK, INSTANT MILK, INSTANT COFFEE, MUSTARD, PANCAKE MIX, PASTA PIE CRUST MIX, [POPPED POPCORN,] PRETZELS, PUFFED WHEAT CEREAL, RICE, SALT, SHERBERT, SUGAR, SPICES, TABLE SYRUP, RELISH, MACARONI AND CHEESE DINNER, A MIX COMPOSED PRIMARILY OF SEASONINGS, SPICES, AND DICED POTATO OR PASTA TO BE COMBINED WITH MEAT TO MAKE A DINNER ENTREE, TEA, TOMATO SAUCE, VINEGAR, PUFFED RICE CEREAL, [CELERY SEED, WHOLE ALLSPICE]</p> <p>Class 031. First use: First Use: 1972/00/00 First Use In Commerce: 1972/00/00 UNPOPPED POPCORN</p> <p>Class 032. First use: First Use: 1972/00/00 First Use In Commerce: 1972/00/00 SOFT DRINKS, FRUIT AND VEGETABLE JUICES, [NON-ALCOHOLIC COCKTAIL MIXES,] FROZEN FRUIT JUICE CONCENTRATES</p> <p>Class 034. First use: First Use: 1972/00/00 First Use In Commerce: 1972/00/00 MATCHES</p>
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U.S. Registration No.	2170823	Application Date	11/06/1996
Registration Date	07/07/1998	Foreign Priority Date	NONE
Word Mark	SHUR FINE		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 001. First use: First Use: 1986/05/21 First Use In Commerce: 1986/05/21 [automotive maintenance products, namely, antifreeze, windshield washer solvent, power steering fluid, brake fluid] ; rock salt for deicing and ice cream making, water softener salt [, unexposed photographic film]</p> <p>Class 003. First use: First Use: 1989/04/30 First Use In Commerce: 1989/04/30 household cleaning preparations, namely, [abrasive household cleanser,] all-purpose household cleaners, [floor wax,] furniture polish, toilet bowl cleaners, [carpet cleaner,] bathroom cleaner, fabric softener sheets, dish washing detergent, laundry detergent, stain removers, drain openers; [hair care preparations, namely, hair gel, hair spray, hair waving preparations; baby care products, namely, baby lotion, baby bath,] baby towelettes; [personal hygiene products, namely, cotton swabs, cotton balls and cotton sticks for cosmetic purposes, hydrogen peroxide for use on hair, denture cleaning preparations, bubble bath,] bar soap [, personal deodorants, antiperspirants , skin cream; sunscreen preparations, non-medicated lip balm, automobile cleaning preparations]</p> <p>Class 004. First use: First Use: 1994/09/30 First Use In Commerce: 1994/09/30 [fireplace logs, motor oil, carnauba wax]</p> <p>Class 005. First use: First Use: 1995/09/26 First Use In Commerce: 1995/09/26 [over-the-counter medications, namely, appetite suppressants, travel sickness tablets, sleeping pills/tablets, laxatives, calamine lotion, acne medications, antibiotic ointment, antibiotic cream, menthol chest rub, hydrocortisone cream, topical gel for medical and therapeutic use, topical ointments and topical creams for antibiotic, anti-inflammatory, antiseptic and anesthetic use, antacids, decongestants, antihistamines, cough drops, cold medications, influenza medications, allergy medications, throat spray, cough syrup, throat lozenges, nasal spray, oral analgesics, diarrhea medications, hemorrhoidal medications, diaper rash ointment; feminine hygiene products, namely, douches, sanitary napkins, sanitary pads, tampons, panty liners, panty shields; first aid products, namely, adhesive bandages, medical adhesive tape, gauze, cotton balls, cotton swabs and cotton sticks for medical purposes; pharmaceutical preparations, namely, alcohol for topical use, hydrogen peroxide for medical use, epsom salts, witch hazel, boric acid for antiseptic use; eye care products, namely, eye drops, contact lens cleaning solutions, contact lens saline solutions; foot care products, namely, corn pads, callous pads; bunion pads;] household disinfectants, carpet deodorizers, air fresheners, [domestic pesticides], incontinence garments, incontinence pads [, medicated sunburn preparations, medicated lip balm , nutritional supplements, mineral supplements, mineral oil for medical and therapeutic use]</p> <p>Class 008. First use: First Use: 1984/12/31 First Use In Commerce: 1984/12/31 [cosmetic implements, namely, tweezers, manicure sets, nail clippers, scissors, eyelash curlers, nail files; shaving implements, namely, razor blades, razors]</p> <p>Class 009. First use: First Use: 1992/04/30 First Use In Commerce: 1992/04/30 batteries, single use cameras, [blank video tapes]</p> <p>Class 010. First use: First Use: 1994/05/04 First Use In Commerce: 1994/05/04 [thermometers for medical use]</p> <p>Class 011. First use: First Use: 1990/07/31 First Use In Commerce: 1990/07/31 [light bulbs]</p> <p>Class 016. First use: First Use: 1985/05/31 First Use In Commerce: 1985/05/31 [adhesive tapes for stationary or household use, glue for stationary or household use], paper filters for coffee makers, paper baking cups, disposable</p>

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