

ESTTA Tracking number: **ESTTA561145**

Filing date: **09/24/2013**

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	09/25/2013
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 delfina.homen@techlaw.com, amanda.bernardy@techlaw.com, litigationdocketing@techlaw.com Phone: 503-222-3613

Applicant Information

Application No	85817573	Publication date	05/28/2013
Opposition Filing Date	09/24/2013	Opposition Period Ends	09/25/2013
Applicant	FurFamily, LLC 130 Cheshire Lane, Suite 208 Minnetonka, MN 55305 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. All goods and services in the class are opposed, namely: Nutritional supplements for pets, namely cats and dogs

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Likelihood of confusion with opposer's family of marks

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1435870	Application Date	08/04/1986
Registration Date	04/07/1987	Foreign Priority Date	NONE

Word Mark	SHUR SAVING
Design Mark	
Description of Mark	NONE
Goods/Services	Class 031. First use: First Use: 1982/10/00 First Use In Commerce: 1982/10/00 CANNED DOG FOOD, [CANNED CAT FOOD,] AND CAT LITTER

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.	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,</p>		

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]

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]

Class 009. First use: First Use: 1992/04/30 First Use In Commerce: 1992/04/30 batteries, single use cameras, [blank video tapes]

Class 010. First use: First Use: 1994/05/04 First Use In Commerce: 1994/05/04 [thermometers for medical use]

Class 011. First use: First Use: 1990/07/31 First Use In Commerce: 1990/07/31 [light bulbs]

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 diapers, plastic food storage bags for household use [, litter box liners in the form of plastic bags]

Class 017. First use: First Use: 1993/02/28 First Use In Commerce: 1993/02/28 strapping tape

Class 018. First use: First Use: 1991/06/01 First Use In Commerce: 1991/06/01 [rawhide chews for dogs, tote bags]

Class 020. First use: First Use: 1992/01/31 First Use In Commerce: 1992/01/31 [drinking straws]

Class 021. First use: First Use: 1990/04/30 First Use In Commerce: 1990/04/30 [cleaning implements, namely, steel wool soap pads, scouring sponges and pads, mops, mop refills, brooms, dust pans; hair care implements, namely, hair brushes, hair combs; household gloves, household rubber gloves, plastic flatware, plastic plates, plastic bowls and cups, paper plates, paper bowls and cups, disposable aluminum cookware , loofah sponges, makeup sponges, eyelash brushes, dental floss]

Class 025. First use: First Use: 1992/04/10 First Use In Commerce: 1992/04/10 [driving gloves, head bands, shower caps, insoles]

Class 026. First use: First Use: 1992/05/01 First Use In Commerce: 1992/05/01 [hair implements, namely, non-electric hair curlers, barrettes, hair pins, hair ornaments, hair nets, hair bands, hair clips, hair picks]

Class 028. First use: First Use: 1992/02/29 First Use In Commerce: 1992/02/29 [cat toys, dog toys, athletic tape]

Class 029. First use: First Use: 1987/05/05 First Use In Commerce: 1987/05/05 canned seafood, namely, tuna, oysters, shrimp; [prepared salads, namely, potato salad, ham salad, chicken salad;] cooking and salad oils, namely, canola oil, corn oil, [cottonseed oil] , peanut oil, vegetable oil, sunflower oil, [coconut oil] ; cooking spray, flaked coconut, processed edible seeds, dried fruits, processed nuts, fruit-based snack foods, yogurt covered raisins, maraschino

	<p>cherries, whipped topping mix, fruit-based pie fillings, applesauce, fruit-based spreads, jams, canned chicken, condensed milk, non-dairy creamer, processed peppers and olives, [pickled okra], baked beans, pork and beans, potato mixes, bacon flavor bits, shoestring potatoes, shelled nuts, slivered nuts, bouillon, frozen poultry, [egg substitutes], cheese toppings, snack food dips, cheese food, yogurt, vegetable-based spreads, sour cream, trail mix consisting primarily of processed nuts, raisins, and processed seeds, refried beans, frozen entrees consisting primarily of meat, fish, poultry or vegetables, frozen onion rings, sandwich spread, namely, a mayonnaise substitute [, dry packaged meals consisting primarily of vegetables]</p> <p>Class 030. First use: First Use: 1995/08/31 First Use In Commerce: 1995/08/31 baking products, namely, mixes for bakery goods, confectionery chips for baking, pie crust shells, vanilla, baking powder, baking soda, frostings, marshmallow creme; corn-based snack foods, namely, [popcorn cakes] , tortilla chips, corn chips, cheese curls, nacho cheese chips, syrups, namely, chocolate syrup, corn syrup, maple syrup, pancake syrup; snack foods, namely, candy, yogurt covered pretzels, [peanut brittle, snack cakes,] bread sticks, salsa, [rice cakes] , cereal-derived food bars; sauces, namely, seafood cocktail sauce, [tartar sauce] , picante sauce, taco sauce, cheese sauce, sloppy joe sauce, spaghetti sauce, pizza sauce, pasta sauces, barbecue sauce, hot sauce, steak sauce, worchester sauce, soy sauce, teriyaki sauce; dessert food, namely, [pies,] pudding mixes, flavored gelatin mixes, dessert toppings, namely, chocolate toppings, [butterscotch toppings, caramel toppings], ice cream cones; breakfast foods, namely, waffles, pancakes, bagels, oatmeal, hot cereals, toaster pastries; frozen foods, namely, frozen entrees consisting primarily of pasta or rice, frozen confections, [pot pies,] croutons, stuffing, gravy, gravy mixes, spaghetti sauce mix, seasoning mixes, seasoned coating for meat and poultry, bread crumbs, stuffing mixes containing bread, biscuits, seasoning blend contained in a roasting bag, pasta, canned pasta with sauce, dry packaged meals consisting primarily of pasta or rice, [chow mein noodles], rice mixes, [tamales], taco shells, [tostada shells, tortilla mix,] honey, marshmallows, cocoa</p> <p>Class 031. First use: First Use: 1988/12/31 First Use In Commerce: 1988/12/31 dog food, cat food, cat litter, wild bird seed, pet snacks</p> <p>Class 032. First use: First Use: 1995/04/18 First Use In Commerce: 1995/04/18 breakfast fruit-drink mixes, [fruit nectars,] non-alcoholic ciders, fruit drinks, carbonated soft drinks, low calorie soft drinks, soft drink mixes, bottled drinking water, sports drinks, [beer]</p> <p>Class 034. First use: First Use: 1995/01/31 First Use In Commerce: 1995/01/31 cigarettes, cigarette lighters not of precious metals</p>
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U.S. Registration No.	2946338	Application Date	11/22/2000
Registration Date	05/03/2005	Foreign Priority Date	NONE
Word Mark	SHURFINE COMMITTED TO QUALITY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 2000/08/00 First Use In Commerce: 2000/10/00 Water softener salt [and unexposed photographic film] Class 004. First use: First Use: 1999/07/00 First Use In Commerce: 1999/08/00 [Fireplace logs,] fire starters composed of combustible material, charcoal briquettes, charcoal lighter fluid		

	<p>Class 006. First use: First Use: 2000/09/00 First Use In Commerce: 2002/12/00 Aluminum foil</p> <p>Class 008. First use: First Use: 2000/09/00 First Use In Commerce: 2002/12/00 plastic flatware, namely, plastic forks, plastic knives, plastic spoons</p> <p>Class 009. First use: First Use: 2000/08/00 First Use In Commerce: 2000/10/00 [Batteries and single use cameras]</p> <p>Class 011. First use: First Use: 2000/08/00 First Use In Commerce: 2000/10/00 [Electric light bulbs]</p> <p>Class 016. First use: First Use: 2000/07/00 First Use In Commerce: 2000/08/00 [Adhesive tapes for stationery or household use, self-stick note pads,] paper filters for coffee makers, paper napkins, toilet paper, plastic wrap, wax paper, facial tissues, paper towels, paper baking cups, [disposable diapers,] plastic food storage bags for household use, plastic garbage bags, plastic sandwich bags, plastic storage bags, plastic trash can liners</p> <p>Class 017. First use: First Use: 2002/10/00 First Use In Commerce: 2002/12/00 [Strapping tape]</p> <p>Class 020. First use: First Use: 2000/08/00 First Use In Commerce: 2000/10/00 Drinking straws [and plastic inserts for use as a bottle liner]</p> <p>Class 021. First use: First Use: 2000/08/00 First Use In Commerce: 2000/10/00 plastic plates, bowls and cups, foam plates, bowls and cups</p> <p>Class 022. First use: First Use: 2000/07/00 First Use In Commerce: 2000/08/00 plastic garbage bags, plastic sandwich bags, plastic storage bags, plastic trash can liners, plastic waste basket liners</p> <p>Class 030. First use: First Use: 2000/03/00 First Use In Commerce: 2000/04/00 Sugar substitutes and seasoning blend contained in a roasting bag</p> <p>Class 031. First use: First Use: 2002/07/00 First Use In Commerce: 2002/08/00 Dog food, cat food, cat litter, wild birdseed, pet snacks, unpopped popcorn</p> <p>Class 034. First use: First Use: 2002/02/00 First Use In Commerce: 2002/03/00 [cigarette lighters not of precious metals and matches]</p>
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U.S. Registration No.	3557359	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	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.	3561021	Application Date	06/27/2008
Registration Date	01/13/2009	Foreign Priority Date	NONE
Word Mark	SHURFINE		
Design Mark			
Description of Mark	NONE		

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