

ESTTA Tracking number: **ESTTA606427**

Filing date: **05/27/2014**

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	05/25/2014
Address	6700 SW Sandburg St. 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, lisadavis@techlaw.com, docketing@techlaw.com, litigationdocketing@techlaw.com Phone:(503) 222-3613

Applicant Information

Application No	85974688	Publication date	11/26/2013
Opposition Filing Date	05/27/2014	Opposition Period Ends	05/25/2014
Applicant	Hearthmark, LLC 14611 W. Commerce Rd. Daleville, IN 47334 UNITED STATES		

Goods/Services Affected by Opposition


Class 008. First Use: 2012/02/29 First Use In Commerce: 2012/02/29 All goods and services in the class are opposed, namely: Hand tool for opening and closing jar lids and canning jar bands

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
The mark is merely descriptive	Trademark Act section 2(e)(1)
Other	Likelihood of confusion with Opposer's family of marks - Trademark Act section 2(d)

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	NONE

		Date	
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			
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; fruitjuice concentrates; sports drinks; sodapops; 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	
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	
Description of Mark	NONE
Goods/Services	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; stuffingmixes containing bread; flour for food;wheat flour; corn flour; sugar; brown sugar; powdered sugar; sugar substitutes;processed coconut; frosting mixes; cornmeal; 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; pimienta used as a condiment; unpopped popcorn; rice; rice and seasoning mix combined in unitary packages; frozenbakery 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
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U.S. Registration No.	3557357	Application Date	05/28/2008
Registration Date	01/06/2009	Foreign Priority Date	NONE

Word Mark	SHURFINE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 029. First use: First Use: 2005/06/01 First Use In Commerce: 2005/06/01 Pre-packaged dinners consisting of primarily of meat, poultry and fish with pasta; cheese; cream cheese; processed cheese; cheese spreads; cheese substitutes; mold-ripened cheese; soft cheese; white cheese; low-fat cheese; non-fat cheese; string cheese; yogurt; butter; butter substitutes; margarine; vegetable-based spreads; Maraschino cherries; processed cherries; fruit-based pie filling; frozen fish; vegetable oils and fats; canned fish; canned oysters; chili with and without beans; beef stew; canned cooked meat; canned pork and beans; canned refried beans; canned beans; jerky; frozen meals consisting primarily of meat, poultry and/or vegetables; applesauce; canned fruits and vegetables; sauerkraut; dried fruits; canned fruits; frozen fruits; fruit-based snack foods; snack mix consisting primarily of processed fruits, processed nuts and/or raisins; instant potatoes; frozen potatoes; shortening; edible oils; edible fats; processed oils and fats; vegetable oils; non-dairy creamer; broth; bouillon; bouillon concentrates; vegetable protein bits having a bacon flavor; soups; canned soups; soup mixes; pickled fruits; pickled vegetables; processed olives; pickles; processed peppers; dried beans; frozen chicken; ham; bacon; luncheon meats; frankfurters; hot dogs; sausages; dried meat; canned tomatoes; vegetable juice for cooking; sour cream; sour cream substitutes; cottage cheese; half and half; whipping cream; peanut butter; fruit preserves; jellies; jams; marmalade; fruit-based spreads; whipped cream; whipped topping; milk; evaporated milk; powdered milk; dip; frozen vegetables; and dairy-based dips; processed nuts; raisins; potato chips; fruit-based snack food; frozen meals consisting primarily of potatoes
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U.S. Registration No.	3557355	Application Date	05/28/2008
Registration Date	01/06/2009	Foreign Priority	NONE

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