

ESTTA Tracking number: **ESTTA643792**

Filing date: **12/10/2014**

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	12/10/2014
Address	6700 SW Sandburg Street Tigard, OR 97223 UNITED STATES
Attorney information	Delfina S. Homen Marger Johnson & McCollom, P.C. 210 SW Morrison Street, Ste. 400 Portland, OR 97204 UNITED STATES litigationdocketing@techlaw.com, delfina.homen@techlaw.com, lisadavis@techlaw.com Phone:503-222-3613

Applicant Information

Application No	86238253	Publication date	08/12/2014
Opposition Filing Date	12/10/2014	Opposition Period Ends	12/10/2014
Applicant	KABAT ENTERPRISES, LLC 864 BEECH DRIVE NISKAYUNA, NY 12309 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. First Use: 2013/11/23 First Use In Commerce: 2013/11/23 All goods and services in the class are opposed, namely: Ovulation test kits; Pregnancy test kits for home use
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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.	4565479	Application Date	05/12/2010
Registration Date	07/08/2014	Foreign Priority Date	NONE

Word Mark	SHUR FINE
Design Mark	
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 2014/01/22 First Use In Commerce: 2014/01/22 pregnancy test kits for home use

U.S. Registration No.	4576111	Application Date	05/12/2010
Registration Date	07/29/2014	Foreign Priority Date	NONE

Word Mark	SHUR FINE
Design Mark	
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 2011/01/01 First Use In Commerce: 2011/01/01 soap; antibacterial soap; hand soaps; liquid soap

U.S. Registration No.	3561021	Application Date	06/27/2008
Registration Date	01/13/2009	Foreign Priority Date	NONE
Word Mark	SHURFINE		

Design Mark	<h1>SHURFINE</h1>		
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	


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	NONE

		Date	
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; 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; cornsyrup; 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 coatingfor meat, fish, and poultry; tortillas;mayonnaise; salad dressing; beverages made of tea; candy; cookies; crackers; ice cream; cones for ice cream; and frozenconfections, 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		

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