

ESTTA Tracking number: **ESTTA655412**

Filing date: **02/11/2015**

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	02/11/2015
Address	6700 SW Sandburg St. 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
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Applicant Information

Application No	86284870	Publication date	10/14/2014
Opposition Filing Date	02/11/2015	Opposition Period Ends	02/11/2015
Applicant	D's Naturals 6125 East Kemper Rd. Cincinnati, OH 45241 UNITED STATES		

Goods/Services Affected by Opposition

Class 030. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Natural sweetener
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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.	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	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; 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; 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

U.S. Registration No.	3543600	Application Date	05/27/2008
Registration Date	12/09/2008	Foreign Priority Date	NONE
Word Mark	SHURFINE		

Design Mark	<h1>SHURFINE</h1>
Description of Mark	NONE
Goods/Services	Class 001. First use: First Use: 1998/02/01 First Use In Commerce: 1998/02/01 artificial sweeteners; salt for water softening

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
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 001. First use: First Use: 2000/08/00 First Use In Commerce: 2000/10/00 Water softener salt [and unexposed photographic film]</p> <p>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> <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</p>
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	<p>plastic flatware, namely, plastic forks, plastic knives, plastic spoons Class 009. First use: First Use: 2000/08/00 First Use In Commerce: 2000/10/00 [Batteries and single use cameras] Class 011. First use: First Use: 2000/08/00 First Use In Commerce: 2000/10/00 [Electric light bulbs] 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,] paperfilters 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 Class 017. First use: First Use: 2002/10/00 First Use In Commerce: 2002/12/00 [Strapping tape] 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] 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 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 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 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 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.	2926511	Application Date	11/22/2000
Registration Date	02/15/2005	Foreign Priority Date	NONE
Word Mark	SHUR FINE COMMITTED TO QUALITY		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 029. First use: First Use: 2000/01/15 First Use In Commerce: 2000/01/15 Canned seafood, namely, tuna fish, salmon, oysters, shrimp, sardines; cooking and salad oils, namely, canola oil, corn oil, peanut oil, vegetable oil, [sunflower oil,] olive oil; vegetable oil cooking spray, peanut butter, shortening, sandwich spread, namely, mayonnaise substitute, flaked coconut, edible processed seeds, pickles, processed pimento, dried fruits, processed nuts, fruit-based snack foods, maraschino cherries, whipped dairy topping, fruit-based pie fillings, applesauce, fruit-based spreads, jams, jellies, fruit preserves, instant soup mixes, canned soups, chili, corned beef hash, beef stew, canned fruits, canned vegetables, tomato puree, tomato paste, canned chicken, canned meats, namely, canned corned beef; non-dairy creamer, dairy whipped toppings, processed peppers, processed olives, baked beans, pork and beans, refried beans, dried beans, dried peas, potato mixes, bacon flavor bits, shoestring potatoes, shelled nuts, slivered nuts, bouillon, frozen fish, frozen fruits, frozen vegetables, cheese toppings, cheese food, cheese toppings; frozen onion rings, refried beans</p> <p>Class 030. First use: First Use: 2000/06/20 First Use In Commerce: 2000/06/20 Black pepper, salad dressing, mayonnaise, baking products, namely, confectionery chips for baking, pie crust shells, vanilla, baking powder, baking soda, frostings, flavoring extracts, namely, vanilla extract, vanilla extract substitute and lemon extract; flour, sugar, marshmallow creme, pastry shells, lemon extract, corn starch; cake mixes, coffee, tea, instant coffee, corn based snack foods, namely, confections, namely, hard candy, chocolate bits and jellied candies; syrups, namely, chocolate syrup, corn syrup, maple syrup, pancake syrup, strawberry syrup; puffed wheat breakfast cereal, puffed rice breakfast cereal, snack foods, namely, candy, popped popcorn, snack cakes, salsa, cereal-derived ready to eat food bars, trail mix; sauces, namely, seafood cocktail sauce, tartar sauce, picante sauce, taco sauce, cheese sauce, sloppy joe sauce, spaghetti sauce, pizza sauce, pasta sauces, barbecue sauce, tomatosauce, hot sauce, steak sauce, Worcester sauce, soy sauce, teriyaki sauce, chili sauce; catsup, mustard, salt, spices, relish, vinegar, dessert food, namely, pies, pudding mixes, flavored gelatin mixes, dessert toppings, ice cream cones, breakfast foods, namely, waffles, pancakes, oatmeal, hot cereals, toaster pastries, frozen foods, namely, frozen pizza, frozen confections, [pot pies,] croutons, stuffing, gravy</p>

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