

ESTTA Tracking number: **ESTTA790073**

Filing date: **12/19/2016**

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	12/18/2016
Address	6700 SW Sandburg St Portland, OR 97223 UNITED STATES
Attorney information	Sheila Fox Morrison Davis Wright Tremaine LLP 1300 S.W. 5th Avenue, Suite 2400 Portland, OR 97201 UNITED STATES sheilafoxmorrison@dwt.com, allicondra@dwt.com, sandilyn@dwt.com Phone:(503) 241-2300

**Applicant Information**

Application No	86649948	Publication date	06/21/2016
Opposition Filing Date	12/19/2016	Opposition Period Ends	12/18/2016
Applicant	SUREMEAL LLC 7614 Crescendo Ct Houston, TX 77040 UNITED STATES		

**Goods/Services Affected by Opposition**


Class 005. First Use: 2015/01/01 First Use In Commerce: 2015/01/01 All goods and services in the class are opposed, namely: Liquid and powder protein based dietary and nutritional supplement and meal replacement shakes for the purpose of strengthening the immune system
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**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.	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 SUGAR SUBSTITUTE</p> <p>Class 002. First use: First Use: 1972/00/00 First Use In Commerce: 1972/00/00 [FOOD COLORING]</p> <p>Class 003. First use: First Use: 1972/00/00 First Use In Commerce: 1972/00/00 [ AFTER SHAVE LOTION, ] HOUSEHOLD AMMONIA, [ BABY OIL, BABY POWDER, BATH OIL, ]HOUSEHOLD BLEACH, [ CREAM RINSE, ] FABRIC SOFTENER, [ HAND LOTION; ] LIQUID ANDDRY DETERGENTS, PRINCIPALLY FOR HOUSEHOLD USE; MOUTHWASH, NAIL POLISH REMOVER, WINDOW CLEANERS, HAIR SHAMPOO, SKIN CARELOTION, [ SPRAY STARCH, TOOTHPASTE ]</p> <p>Class 004. First use: First Use: 1974/00/00 First Use In Commerce: 1974/00/00 CHARCOAL BRIQUETS, CHARCOAL LIGHTER FLUID</p> <p>Class 005. First use: First Use: 1972/00/00 First Use In Commerce: 1972/00/00 [ ASPIRIN, ] DISINFECTANT SPRAY [, PETROLEUM JELLY, VITAMINS, 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</p>

	<p>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 TOPPINGS</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, MACARONIAND 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,] FROZENFRUIT 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.	1430811	Application Date	08/04/1986
Registration Date	03/03/1987	Foreign Priority Date	NONE
Word Mark	SHUR SAVING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1982/10/00 First Use In Commerce: 1982/10/00 BLEACH, FABRIC SOFTENER, DISHWASHER DETERGENTS AND LAUNDRY DETERGENTS		

U.S. Registration No.	1431181	Application Date	08/04/1986
Registration Date	03/03/1987	Foreign Priority Date	NONE
Word Mark	SHUR SAVING		

Design Mark	<b>SHUR SAVING</b>
Description of Mark	NONE
Goods/Services	Class 022. First use: First Use: 1982/10/00 First Use In Commerce: 1982/10/00 PLASTIC FOOD STORAGE BAGS AND TRASH BAGS

U.S. Registration No.	1435858	Application Date	07/28/1986
Registration Date	04/07/1987	Foreign Priority Date	NONE
Word Mark	SHUR SAVING		
Design Mark	<b>SHUR SAVING</b>		
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 1981/12/29 First Use In Commerce: 1981/12/29 CANNED FRUITS, VEGETABLES, APPLESAUCE, [ FISH, ] PROCESSED MUSHROOMS, [ DRIED FRUITS ] AND VEGETABLES, JELLIES, FRUIT PRESERVES, [ FROZEN VEGETABLES, ] FROZEN FRENCH FRIED POTATOES, CHEESE, NON-DAIRYCREAMER, MARGARINE, VEGETABLE SHORTENING, SALAD OIL, MAYONNAISE, SALAD DRESSINGS, PICKLES, [ AND INSTANT NON-FAT MILK ]		

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.	1737906	Application Date	08/26/1991
Registration Date	12/08/1992	Foreign Priority Date	NONE
Word Mark	SHUR SAVING		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: First Use: 1988/03/30 First Use In Commerce: 1988/03/30 [ all-purpose pine oil cleaner ]</p> <p>Class 004. First use: First Use: 1988/08/30 First Use In Commerce: 1988/08/30 [ motor oil ]</p> <p>Class 006. First use: First Use: 1988/01/30 First Use In Commerce: 1988/01/30 aluminum foil</p> <p>Class 016. First use: First Use: 1987/01/30 First Use In Commerce: 1987/01/30 paper coffee filters, plastic wrap, polyethelene wrapping film not for industrial use, [ disposable diapers ] and toilet paper</p> <p>Class 021. First use: First Use: 1987/05/30 First Use In Commerce: 1987/05/30 paper and plastic plates</p>		

U.S. Registration No.	1820916	Application Date	09/03/1991
Registration Date	02/15/1994	Foreign Priority Date	NONE
Word Mark	SHUR FINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: First Use: 1988/03/30 First Use In Commerce: 1988/03/30 [ premoistened cosmetic towelettes, ] pine disinfectant all-purpose cleaning preparations, [ scouring all-purpose cleaning preparations ]</p> <p>Class 011. First use: First Use: 1988/10/30 First Use In Commerce: 1988/10/30 electric light bulbs</p> <p>Class 016. First use: First Use: 1988/08/30 First Use In Commerce: 1988/08/30 paper filters for coffee makers, [ disposable diapers ] and paper bags</p> <p>Class 021. First use: First Use: 1988/02/25 First Use In Commerce: 1988/02/25 cups, [ cleaning pads, ] paper and plastic plates</p>		

U.S. Registration No.	2170823	Application Date	11/06/1996
Registration Date	07/07/1998	Foreign Priority Date	NONE
Word Mark	SHUR FINE		

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