

ESTTA Tracking number: **ESTTA879034**

Filing date: **02/22/2018**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91231817
Party	Plaintiff Shurfine Foods, Inc.
Correspondence Address	SHEILA FOX MORRISON DAVIS WRIGHT TREMAINE LLP 1300 SW 5TH AVENUE, SUITE 2400 PORTLAND, OR 97201 UNITED STATES Email: sheilafoxmorrison@dwt.com, stevenklein@dwt.com, pdxtrade- marks@dwt.com, pdxtmenforcement@dwt.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Steven E. Klein
Filer's email	sheilafoxmorrison@dwt.com, stevenklein@dwt.com, pdxtrademarks@dwt.com, pdxtmenforcement@dwt.com
Signature	/s Steven E. Klein/
Date	02/22/2018
Attachments	Opposers First Notice of Reliance.pdf(838924 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of the Trademark Application No. 86/649,948

For the Mark: SUREMEAL

Published on: June 21, 2016

SHURFINE FOODS, INC,

Opposer,

v.



SUREMEAL, LLC,

Applicant.

Opposition No. 91231817

**OPPOSER'S FIRST NOTICE OF RELIANCE**

Opposer Shurfine Foods, Inc. makes of record in connection with this opposition true and correct copies of Trademark Status & Document Retrieval records for the following active trademark registrations owned by Opposer and referenced in the Notice of Opposition:

<u>Exhibit</u>	<u>Mark</u>	<u>Registration</u>	<u>Relevant Classes</u>
1	SHURFINE	3557357	Class 29
2		1134376	Class 29 & 30
3		2170823	Class 29 & 30
4		2276332	Class 29 & 30

These documents are relevant to the issue of standing, ownership, priority and likelihood of confusion.

DATED this 22nd day of February, 2018.

Respectfully submitted,

DAVIS WRIGHT TREMAINE LLP

By /s/ Steven E. Klein/

Sheila Fox Morrison

Steven E. Klein

Davis Wright Tremaine LLP

1300 S.W. Fifth Avenue, Suite 2400

Portland, OR 97201-5610

Tel: (503) 778-5311

Fax: (503) 778-5299

Email: sheilafoxmorrison@dwt.com,

stevenklein@dwt.com

Attorneys for Shurfine Foods, Inc.

Generated on: This page was generated by TSDR on 2018-02-20 19:43:20 EST

Mark: SHURFINE

SHURFINE

US Serial Number: 77485529

Application Filing Date: May 28, 2008

US Registration Number: 3557357

Registration Date: Jan. 06, 2009

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Jul. 29, 2015

Publication Date: Oct. 21, 2008

## Mark Information

Mark Literal Elements: SHURFINE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Related Properties Information

Claimed Ownership of US Registrations: 0558657, 0807575, 1134376 and others

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

**For:** 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

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 01, 2005

Use in Commerce: Jun. 01, 2005

## Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

<b>Filed ITU:</b> No	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

## Current Owner(s) Information

**Owner Name:** Shurfine Foods, Inc.  
**Owner Address:** 6700 SW Sandburg St.  
Tigard, OREGON 97223  
UNITED STATES  
**Legal Entity Type:** CORPORATION  
**State or Country Where Organized:** ILLINOIS

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Sheila Fox Morrison  
**Docket Number:** 106481-1  
**Attorney Primary Email Address:** [pdxtrademarks@dwt.com](mailto:pdxtrademarks@dwt.com)  
**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Sheila Fox Morrison  
Davis Wright Tremaine LLP  
1300 S.W. 5th Avenue, Suite 2400  
Portland, OREGON 97201  
UNITED STATES  
**Phone:** (503) 241-2300  
**Fax:** (503) 778-5299  
**Correspondent e-mail:** [pdxtrademarks@dwt.com](mailto:pdxtrademarks@dwt.com)  
**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Jan. 06, 2018	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Aug. 30, 2016	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Aug. 30, 2016	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Oct. 09, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 29, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jul. 29, 2015	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67723
Jul. 29, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67723
Jul. 06, 2015	TEAS SECTION 8 & 15 RECEIVED	
Jan. 06, 2009	REGISTERED-PRINCIPAL REGISTER	
Oct. 21, 2008	PUBLISHED FOR OPPOSITION	
Oct. 01, 2008	NOTICE OF PUBLICATION	
Sep. 18, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	73797
Sep. 18, 2008	ASSIGNED TO LIE	73797
Sep. 10, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 10, 2008	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 10, 2008	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 10, 2008	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 10, 2008	EXAMINERS AMENDMENT -WRITTEN	68625
Sep. 10, 2008	ASSIGNED TO EXAMINER	68625
Jun. 03, 2008	NOTICE OF PSEUDO MARK MAILED	
Jun. 02, 2008	NEW APPLICATION ENTERED IN TRAM	

## Maintenance Filings or Post Registration Information

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.