

ESTTA Tracking number: **ESTTA824100**

Filing date: **05/31/2017**

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	05/31/2017
Address	6700 S.W. Sandburg Street Tigard, 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, sandilyn@dwt.com Phone:(503) 241-2300

Applicant Information

Application No	87159182	Publication date	01/31/2017
Opposition Filing Date	05/31/2017	Opposition Period Ends	05/31/2017
Applicant	Agroindustrial Surfrut Ltda Rut. 89.164.000-5; Agroindustria Santiago, 7510816 CHILE		

Goods/Services Affected by Opposition

Class 029. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Canned fruits; Canned vegetables; Cheese; Cheese substitutes; Dried fruit and vegetables; Egg substitute; Eggs; Meat and meat extracts; Meat preserves; Meat, frozen; Crystallised, frosted, frozen, and preserved fruit; Dried eggs; Dried meat; Frozen eggs; Powdered eggs; Prepared meat; Preserved, frozen, dried or cooked vegetables; Processed eggs; Processed meat

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 AND DRY DETERGENTS, PRINCIPALLY FOR HOUSEHOLD USE; MOUTHWASH, NAIL POLISH REMOVER, WINDOW CLEANERS, HAIR SHAMPOO, SKIN CARE LOTION, [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,</p>

	<p>LUNCHEON MEATS, MARGARINE, MAYONNAISE, OLIVE OIL, PACKAGED 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.	1928809	Application Date	09/03/1991
Registration Date	10/24/1995	Foreign Priority Date	NONE
Word Mark	SHUR FINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 029. First use: First Use: 1989/09/30 First Use In Commerce: 1989/09/30 bouillon cubes, [canned salmon,] canned tuna, [chicken salad, chopped ham salad,] coffee creamers, [cream cheese, frozen chicken, frozen coffee creamers,] hominy, [jalapeno spread,] [lebanonbologna,] pickled peppers [/onions, pork sausage, potato salad,] refrigerated spreads, including [cheese-based spreads,] fruit-based spreads, [meat-basedspreads] [and vegetable-based spreads,] strawberry gelatin, vegetable based food dips</p>		

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

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 001. First use: First Use: 1986/05/21 First Use In Commerce: 1986/05/21 [automotive maintenance products, namely, antifreeze, windshield washer solvent, power steering fluid, brake fluid] ;rock salt for deicing and ice cream making, water softener salt [, unexposed photographic film]</p> <p>Class 003. First use: First Use: 1989/04/30 First Use In Commerce: 1989/04/30 household cleaning preparations, namely, [abrasive household cleanser,] all-purpose household cleaners, [floor wax,] furniture polish, toilet bowl cleaners, [carpet cleaner,] bathroom cleaner, fabric softener sheets, dish washing detergent, laundry detergent, [stain removers,] drain openers; [hair care preparations, namely, hair gel, hair spray, hair waving preparations; baby care products, namely, baby lotion, baby bath,] baby towelettes; [personal hygiene products, namely, cotton swabs, cotton balls and cotton sticks for cosmetic purposes, hydrogen peroxide for use on hair, denture cleaning preparations, bubble bath,]bar soap [, personal deodorants, antiperspirants, skin cream; sunscreen preparations, non-medicated lip balm, automobile cleaning preparations]</p> <p>Class 004. First use: First Use: 1994/09/30 First Use In Commerce: 1994/09/30 [fireplace logs, motor oil, carnauba wax]</p> <p>Class 005. First use: First Use: 1995/09/26 First Use In Commerce: 1995/09/26 [over-the-counter medications, namely, appetite suppressants, travel sickness tablets, sleeping pills/tablets, laxatives, calamine lotion, acne medications, antibiotic ointment, antibiotic cream, menthol chest rub, hydrocortisone cream, topical gel for medical and therapeutic use, topical ointments and topical creams for antibiotic, anti-inflammatory, antiseptic and anesthetic use, antacids, decongestants, antihistamines, cough drops, cold medications, influenza medications,allergy medications, throat spray, cough syrup, throat lozenges, nasal spray, oral analgesics, diarrhea medications, hemorrhoidal medications, diaper rash ointment; feminine hygiene products, namely,douches, sanitary napkins, sanitary pads, tampons, panty liners, panty shields;first aid products, namely, adhesive bandages, medical adhesive tape, gauze, cotton balls, cotton swabs and cotton sticks for medical purposes; pharmaceutical preparations, namely, alcohol for topical use, hydrogen peroxide for medical use, epsom salts, witch hazel, boric acid for antiseptic use; eye care products, namely, eye drops, contact lens cleaning solutions, contact lens saline solutions;foot care products, namely, corn pads, callous pads; bunion pads;] household disinfectants, carpet</p>

	<p>deodorizers, air fresheners, [domestic pesticides], incontinence garments, incontinence pads [, medicated sunburn preparations, medicatedlip balm , nutritional supplements, mineral supplements, mineral oil for medical and therapeutic use]</p> <p>Class 008. First use: First Use: 1984/12/31 First Use In Commerce: 1984/12/31 [cosmetic implements, namely, tweezers, manicure sets, nail clippers, scissors, eyelash curlers, nail files; shaving implements, namely, razor blades, razors]</p> <p>Class 009. First use: First Use: 1992/04/30 First Use In Commerce: 1992/04/30 batteries, single use cameras, [blank video tapes]</p> <p>Class 010. First use: First Use: 1994/05/04 First Use In Commerce: 1994/05/04 [thermometers for medical use]</p> <p>Class 011. First use: First Use: 1990/07/31 First Use In Commerce: 1990/07/31 [light bulbs]</p> <p>Class 016. First use: First Use: 1985/05/31 First Use In Commerce: 1985/05/31 [adhesive tapes for stationary or household use, glue for stationary or household use], paper filters for coffee makers, paper baking cups, disposable diapers, plastic food storage bags for household use [, litter box liners in the form of plastic bags]</p> <p>Class 017. First use: First Use: 1993/02/28 First Use In Commerce: 1993/02/28 strapping tape</p> <p>Class 018. First use: First Use: 1991/06/01 First Use In Commerce: 1991/06/01 [rawhide chews for dogs, tote bags]</p> <p>Class 020. First use: First Use: 1992/01/31 First Use In Commerce: 1992/01/31 [drinking straws]</p> <p>Class 021. First use: First Use: 1990/04/30 First Use In Commerce: 1990/04/30 [cleaning implements, namely, steel wool soap pads, scouring sponges and pads,mops, mop refills, brooms, dust pans; hair care implements, namely, hair brushes, hair combs; household gloves, household rubber gloves, plastic flatware, plastic plates, plastic bowls and cups, paper plates, paper bowls and cups, disposable aluminum cookware , loofah sponges, makeup sponges, eyelash brushes, dental floss]</p> <p>Class 025. First use: First Use: 1992/04/10 First Use In Commerce: 1992/04/10 [driving gloves, head bands, shower caps, insoles]</p> <p>Class 026. First use: First Use: 1992/05/01 First Use In Commerce: 1992/05/01 [hair implements, namely, non-electrichair curlers, barrettes, hair pins, hair ornaments, hair nets, hair bands, hairclips, hair picks]</p> <p>Class 028. First use: First Use: 1992/02/29 First Use In Commerce: 1992/02/29 [cat toys, dog toys, athletic tape]</p> <p>Class 029. First use: First Use: 1987/05/05 First Use In Commerce: 1987/05/05 canned seafood, namely, tuna, oysters, shrimp; [prepared salads, namely, potato salad, ham salad, chicken salad;] cooking and salad oils, namely, canola oil,corn oil, [cottonseed oil] , peanut oil, vegetable oil, sunflower oil, [coconut oil] ; cooking spray, flaked coconut,processed edible seeds, dried fruits, processed nuts, fruit-based snack foods, yogurt covered raisins, maraschino cherries, whipped topping mix, fruit-based pie fillings, applesauce, fruit-based spreads, jams, canned chicken, condensed milk, non-dairy creamer, processed peppers and olives, [pickled okra], baked beans, pork and beans, potato mixes, bacon flavor bits, shoestring potatoes, shellednuts, slivered nuts, bouillon, frozen poultry, [egg substitutes], cheese toppings, snack food dips, cheese food, yogurt, vegetable-based spreads, sour cream, trail mix consisting primarily of processed nuts, raisins, and processed seeds,refried beans, frozen entrees consisting primarily of meat, fish, poultry or vegetables, frozen onion rings, sandwich spread, namely, a mayonnaise substitute [, dry packaged meals consisting</p>
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