

ESTTA Tracking number: **ESTTA912342**

Filing date: **07/29/2018**

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	07/29/2018
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 Email: stevenklein@dwt.com, sheilafoxmorrison@dwt.com, pdxtrade-marks@dwt.com, pdxtmenforcement@dwt.com

Applicant Information

Application No	79191289	Publication date	01/30/2018
Opposition Filing Date	07/29/2018	Opposition Period Ends	07/29/2018
International Registration No.	1308026	International Registration Date	07/01/2016
Applicant	FONTERRA TM LIMITED 109 Fanshawe Street Auckland Central Auckland 1010 NEW ZEALAND		

Goods/Services Affected by Opposition

<p>Class 005. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Dietetic foods, drinks, substances, powders, beverages, supplemental drinks, meal replacements, vitamins, mineral supplements, and additives, none of which are used for veterinary animal healthcare, namely, infant formulas, powdered milk for babies and infants, and infant formulas adapted for medical use; dietetic substances, namely, powdered nutritional supplement drink mixes and concentrates, powdered milk for babies and infants, powdered meal replacement drink mixes adapted for medical use, meal replacement drinks adapted for medical use, dietary supplemental drinks in the nature of vitamin and mineral beverages adapted for medical use and infant formula; dietetic beverages, namely, supplemental drinks promoting healthy growth, bone health, muscle development, cognitive development, immunity development or allergy and digestive health; dietetic meal replacements, namely, powdered milk for babies and infants, drinks, and infant formula adapted for medical use; food for babies; food for infants; milk powder for babies; milk powder for infants; dietary supplements, intended to supplement a normal diet or to have health benefits; vitamins for human consumption; vitamin formulations for human consumption;</p>

mineral supplements for foodstuffs; nutritional additives, namely, food additives for use in the food and pharmaceutical industry as dietary supplements for humans in the nature of extracts derived from milk; nutritional supplements; nutritional cultures, namely, probiotic cultures; none of the foregoing for veterinary animal healthcare


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

All goods and services in the class are opposed, namely: Dairy based beverages; dairy based powders for making dairy-based food beverages and shakes; milk; milk products, excluding ice cream, ice milk and frozen yoghurt; milk powder; milk protein; cream, being a dairy product; butter; edible oils; edible fats; cheese; whey; yoghurt


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.	3557357	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	<p>Class 029. First use: First Use: 2005/06/01 First Use In Commerce: 2005/06/01</p> <p>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 pota-</p>		

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U.S. Registration No.	3557357	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	<p>Class 029. First use: First Use: 2005/06/01 First Use In Commerce: 2005/06/01 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 consistingprimarily 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</p>		

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	<p>Class 030. First use: First Use: 2006/06/01 First Use In Commerce: 2006/06/01</p> <p>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; spaghettisauce; 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.	3557360	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 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;] soda pops; soft drinks; and concentrates, syrups or powders used in the preparation of drinks

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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Design Mark	
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Description of Mark	NONE
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Goods/Services	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] 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, [
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