

ESTTA Tracking number: **ESTTA306062**

Filing date: **09/14/2009**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

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| Name | Shurfine Foods, Inc. | | |
| Entity | Corporation | Citizenship | Illinois |
| Address | 6700 SW Sandburg St. Tigard, OR 97223 UNITED STATES | | |

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| Attorney information | Hillary A. Brooks Marger, Johnson & McCollom, P.C. 210 SW Morrison St., Ste. 400 Portland, OR 97204 UNITED STATES litigationdocketing@techlaw.com Phone:(503) 222-3613 | | |
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Registration Subject to Cancellation

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| Registration No | 2884613 | Registration date | 09/14/2004 |
| Registrant | FDGS HOLDINGS, LP 6200 SOUTH QUEBEC STREET GREENWOOD VILLAGE, CO 80111 UNITED STATES | | |

Goods/Services Subject to Cancellation


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| <p>Class 009. First Use: 1992/01/31 First Use In Commerce: 1992/01/31 All goods and services in the class are cancelled, namely: computer software and hardware for database management for use in business development, technology incubator, and network partner services for companies engaged in business-to-business, business-to-consumer, business-to-government, person-to-person and wireless e-commerce and electronic payments services; computer software and hardware for providing Internet-based payment processing, payment information, and for database management of payment services for customers in business-to-business, business-to-consumer, business-to-government, person-to-person and wireless applications</p> |
| <p>Class 042. First Use: 2000/10/09 First Use In Commerce: 2000/10/09 All goods and services in the class are cancelled, namely: PROVIDING SECURE ENCRYPTION OF PAYMENT DATA; CONSULTING, RESEARCH AND DEVELOPMENT SERVICES FEATURING INFORMATION ON TECHNOLOGY PROVIDED TO COMPANIES ENGAGED IN BUSINESS-TO-BUSINESS, BUSINESS-TO-CONSUMER, BUSINESS-TO-GOVERNMENT, PERSON-TO-PERSON AND WIRELESS E-COMMERCE AND ELECTRONIC PAYMENTS SERVICES</p> |


Grounds for Cancellation

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| Abandonment | Trademark Act section 14 |
| Priority and likelihood of confusion | Trademark Act section 2(d) |
| The mark is merely descriptive | Trademark Act section 2(e)(1) |

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| Dilution | Trademark Act section 43(c) |
| Other | Likelihood of confusion with Opposer's family of marks. |

Marks Cited by Petitioner as Basis for Cancellation

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| U.S. Registration No. | 3561021 | Application Date | 06/27/2008 |
| Registration Date | 01/13/2009 | Foreign Priority Date | NONE |
| Word Mark | SHURFINE | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 002. First use: First Use: 2004/09/00 First Use In Commerce: 2004/09/00 food colors for domestic use | | |

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| U.S. Registration No. | 3557469 | Application Date | 06/27/2008 |
| Registration Date | 01/06/2009 | Foreign Priority Date | NONE |
| Word Mark | SHURFINE | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 009. First use: First Use: 2000/10/00 First Use In Commerce: 2000/10/00 batteries | | |

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| U.S. Registration No. | 3557361 | Application Date | 05/28/2008 |
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| Registration Date | 01/06/2009 | Foreign Priority Date | NONE |
| Word Mark | SHURFINE | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 034. First use: First Use: 1990/01/01 First Use In Commerce: 1990/01/01 Matches; cigar and cigarette lighters not for land vehicles | | |

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| U.S. Registration No. | 3557360 | 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 | 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; fruit juice concentrates; sports drinks; soda pops; soft drinks; and concentrates, syrups or powders used in the preparation of drinks | | |

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| U.S. Registration No. | 3557359 | Application Date | 05/28/2008 |
| Registration Date | 01/06/2009 | Foreign Priority Date | NONE |
| Word Mark | SHURFINE | | |

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| Design Mark | SHURFINE |
| Description of Mark | NONE |
| Goods/Services | Class 031. First use: First Use: 1990/01/01 First Use In Commerce: 1990/01/01 dog food; puppy food; cat food; dog biscuits; cat litter; bird seed; and pet treats |

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| U.S. Registration No. | 3557358 | Application Date | 05/28/2008 |
| Registration Date | 01/06/2009 | Foreign Priority Date | NONE |

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| Word Mark | SHURFINE |
| Design Mark | SHURFINE |
| 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; corn meal; 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 |

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| | 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 |
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| U.S. Registration No. | 3557357 | Application Date | 05/28/2008 |
| Registration Date | 01/06/2009 | Foreign Priority Date | NONE |

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| Word Mark | SHURFINE |
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| Design Mark |  |
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| Description of Mark | NONE |
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| Goods/Services | 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 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 |
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| U.S. Registration No. | 3557355 | Application Date | 05/28/2008 |
| Registration Date | 01/06/2009 | Foreign Priority | NONE |

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