

ESTTA Tracking number: **ESTTA159309**

Filing date: **08/28/2007**

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	09/02/2007
Address	6700 SW Sandburg Road Tigard, OR 97223 UNITED STATES

Attorney information	Hillary A. Brooks Marger Johnson & McCollom, PC 210 SW Morrison, Suite 400 Portland, OR 97204 UNITED STATES litigationdocketing@techlaw.com, laura@techlaw.com, hope@techlaw.com, hillary@techlaw.com, Phone:503-222-3613
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**Applicant Information**

Application No	78961407	Publication date	03/06/2007
Opposition Filing Date	08/28/2007	Opposition Period Ends	09/02/2007
Applicant	Perdue Holdings, Inc. 1105 N. Market St. Wilmington, DE 19801 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 029. All goods and services in the class are opposed, namely: Poultry
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**Grounds for Opposition**

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
The mark is merely descriptive	Trademark Act section 2(e)(1)
Dilution	Trademark Act section 43(c)
Genericness	Trademark Act section 23
Other	Likelihood of confusion with opposer's family of marks

**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	2710943	Application Date	02/15/2002
Registration Date	04/29/2003	Foreign Priority Date	NONE
Word Mark	SHURFINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 029. First use: First Use: 1932/12/31 First Use In Commerce: 1932/12/31  Canned vegetables, canned vegetables for babies, canned fish, canned shellfish, canned chili con carne, peanut butter, evaporated milk, canned shoestring potatoes, pork and beans, tomato puree, canned pimientos, canned mushrooms, processed and canned olives, pickles, olive oil, sandwich spread, namely, meat-based and vegetable spreads, and canned coconut</p> <p>Class 030. First use: First Use: 1932/12/31 First Use In Commerce: 1932/12/31  Table syrups, honey, prepared spaghetti, tomato sauce, spaghetti sauce, prepared mustard, vinegar, tomato catsup, chili sauce, French dressing, salad dressing, mayonnaise, chili powder, spices, salt, coffee, tea, cornstarch, brown bread, macaroni, noodles, vermicelli, spaghetti, baking chocolate, baking powder, breakfast cereals, cake flour, pancake flour and biscuit flour</p> <p>Class 032. First use: First Use: 1932/12/31 First Use In Commerce: 1932/12/31  Canned vegetable juices</p>		

U.S. Registration No.	2506497	Application Date	11/22/2000
Registration Date	11/13/2001	Foreign Priority Date	NONE
Word Mark	SHUR FINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 042. First use: First Use: 1995/11/00 First Use In Commerce: 1995/11/00  Restaurants; food services, namely, home meal replacement services consisting of the preparation and service of carryout, home-style meals</p>		

U.S. Registration No.	2425809	Application Date	05/13/1999
Registration Date	01/30/2001	Foreign Priority Date	NONE
Word Mark	SHURFINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 029. First use: First Use: 1999/07/27 First Use In Commerce: 1999/07/27  fresh meat, namely beef</p>		

U.S. Registration No.	2341464	Application Date	07/13/1999
Registration Date	04/11/2000	Foreign Priority Date	NONE
Word Mark	SHURFINE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 1997/06/00 First Use In Commerce: 1997/06/00 telephone calling card services

U.S. Registration No.	2285574	Application Date	11/18/1998
Registration Date	10/12/1999	Foreign Priority Date	NONE
Word Mark	SHURFINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 031. First use: First Use: 1998/03/01 First Use In Commerce: 1998/03/01 Fresh fruits and vegetables		

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	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, lebanon bologna, pickled peppers/onions, pork sausage, potato salad, refrigerated spreads, including cheese-based spreads, fruit-based spreads,[ meat-based spreads ]and vegetable-based spreads, strawberry gelatin, vegetable based food dips		

U.S. Registration No.	1916702	Application Date	07/21/1994
Registration Date	09/05/1995	Foreign Priority Date	NONE
Word Mark	SHUR FINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1988/10/26 First Use In Commerce: 1988/10/26 unflavored bottled water		

U.S. Registration No.	1847799	Application Date	09/03/1991
Registration Date	08/02/1994	Foreign Priority Date	NONE
Word Mark	SHUR FINE		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 030. First use: First Use: 1988/06/30 First Use In Commerce: 1988/06/30 barbecue sauce, bread crumbs, brownie mix, flavoring syrups including cocoa and milk modifiers, corn syrup, english muffins, frozen pasta combinations, frozen pastry shells, meat sauces, seasoned coatings for meat, fish and poultry, refrigerated biscuits, rolls, seafood cocktail sauce, sloppy joe sauce, stuffing mixes containing bread and toaster pastries

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	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 Class 011. First use: First Use: 1988/10/30 First Use In Commerce: 1988/10/30 electric light bulbs 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 Class 021. First use: First Use: 1988/02/25 First Use In Commerce: 1988/02/25 cups, cleaning pads, paper and plastic plates		

U.S. Registration No.	1702791	Application Date	09/09/1991
Registration Date	07/28/1992	Foreign Priority Date	NONE
Word Mark	SHURFINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1988/07/03 First Use In Commerce: 1988/07/03 air fresheners and rug deodorizers, antacids, cold tablets, cotton puffs and cotton swabs for medical purposes, decongestant tablets, epsom salt, hydrogen peroxide, ibuprofen, non-aspirin pain relievers, isopropyl alcohol, sanitary napkins and witch hazel		

U.S. Registration No.	1691599	Application Date	02/19/1991
Registration Date	06/09/1992	Foreign Priority Date	NONE
Word Mark	SHURFINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 1989/02/07 First Use In Commerce: 1989/02/07		

	rubber household gloves		
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.	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,</p>		

	<p>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 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 TOPPINGINGS</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, MACARONI AND 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,] FROZEN FRUIT 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.	2216611	Application Date	01/22/1996
Registration Date	01/05/1999	Foreign Priority Date	NONE
Word Mark	SHUR VALU		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 1994/04/13 First Use In Commerce: 1994/04/13 canned fruit		

U.S. Registration No.	2153416	Application Date	09/26/1996
Registration Date	04/28/1998	Foreign Priority Date	NONE
Word Mark	SHUR VALU		
Design Mark			
Description of Mark	NONE		

Goods/Services	<p>Class 004. First use: First Use: 1993/12/00 First Use In Commerce: 1993/12/00 [ charcoal lighter fluid; charcoal briquets ]</p> <p>Class 008. First use: First Use: 1992/12/31 First Use In Commerce: 1992/12/31 [ tableware, namely, plastic forks, knives and spoons ]</p> <p>Class 011. First use: First Use: 1992/12/00 First Use In Commerce: 1992/12/00 [ electric light bulbs ]</p> <p>Class 016. First use: First Use: 1992/07/00 First Use In Commerce: 1992/07/00 [ paper coffee filters, paper napkins, plastic sandwich bags, plastic garbage bags, plastic yard bags, paper towels, toilet tissue, adhesive tape for household purposes ]</p> <p>Class 021. First use: First Use: 1992/12/00 First Use In Commerce: 1992/12/00 paper, plastic and foam cups and plates; latex household gloves; scouring sponges; cleaning cleaning pads; scrubbing brushes</p> <p>Class 029. First use: First Use: 1992/04/00 First Use In Commerce: 1992/04/00 sauerkraut; processed vegetables and legumes; instant potatoes; fruit preserves; jellies; peanut butter; vegetable oil; non-dairy creamer; canned pork and beans; pickles; cranberry sauce; chicken; bacon; fruit-based pie filling; prepared dinners consisting primarily of meat or vegetables; nuts; soup and soup mixes; milk and powdered milk; margarine; tomato paste</p> <p>Class 030. First use: First Use: 1992/04/00 First Use In Commerce: 1992/06/00 pasta; breakfast cereal; prepared dinners comprising pasta and cheese; catsup; pancake syrup; pancake mix; cake and muffin mixes; bagels; tea bags and tea mixes; cereal-based snack food; salt; frosting; chocolate chips; oatmeal; cocoa mix; chocolate syrup; hot, spaghetti, steak and tomato sauces; crackers; relish; bread-based stuffing; sugar candies</p> <p>Class 031. First use: First Use: 1992/05/00 First Use In Commerce: 1992/09/00 [ unpopped and microwave popcorn, pet food ]</p> <p>Class 032. First use: First Use: 1994/06/00 First Use In Commerce: 1994/06/00 [ fruit juice, sweet cider ]</p>
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U.S. Registration No.	1546999	Application Date	10/03/1988
Registration Date	07/11/1989	Foreign Priority Date	NONE
Word Mark	SHUR VALU		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: First Use: 1988/06/16 First Use In Commerce: 1988/06/16 BLEACH</p> <p>Class 029. First use: First Use: 1977/07/08 First Use In Commerce: 1977/07/08 CANNED FRUITS</p> <p>Class 030. First use: First Use: 1988/06/04 First Use In Commerce: 1988/06/04 TOMATO SAUCE</p> <p>Class 032. First use: First Use: 1988/06/04 First Use In Commerce: 1988/06/04 VEGETABLE JUICES</p>		

U.S. Registration No.	2276332	Application Date	11/20/1996
Registration Date	09/07/1999	Foreign Priority Date	NONE

Word Mark	SHURFRESH
Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 029. First use: First Use: 1992/06/01 First Use In Commerce: 1992/06/01  eggs, milk, buttermilk, half and half milk and cream mixture, American cheese food, sour cream, whipping cream, ricotta cheese, yogurt, margarine, butter, vegetable based spreads, pimento cheese spread, cream cheese, cheese, cottage cheese, potato chips, fresh and processed meats, bacon, turkey, beef, pork sausage, sausage, salami, pastrami, turkey bologna, cheese loaf, hot dogs, beef frank, bologna, beef bologna, pork, luncheon loaf, spiced luncheon loaf, corned beef, ham, turkey ham, chicken and chicken parts, pickle loaf, vegetable based dips, vegetable oil, corn oil margarine, shoestring potatoes, corn dog, party wings, hot and spicy wings, beef tenderloin, bratwurst, imitation crabmeat, potato salad, cole slaw, baked and BBQ beans, chicken salad, tuna salad, chicken wing drummette, chicken breast tenders, carrot and raisin salad, and frozen fruit</p> <p>Class 030. First use: First Use: 1992/06/01 First Use In Commerce: 1992/06/01  bread, buns, biscuits, sausage and biscuit sandwiches, cake, rolls, doughnuts, muffins, danish pastries, sweet yeast, cheese curls, cheese puffs; bread sticks, sundae cone, ice, frozen yogurt, ice cream, ice cream bars, sherbert and frozen confections, strawberry parfait, fudge bar, tortilla, corn and tostada chips, pie crust, pizza crust, cookies, pretzels, chocolate pretzels, cheddar cheese and caramel popcorn, flour tortillas, corn tortillas, bread and cornbread sticks, macaroni salad, popped popcorn, peanut brittle, candy, coconut brittle, and strawberry fruit gelatin</p> <p>Class 031. First use: First Use: 1991/07/17 First Use In Commerce: 1991/07/17  raw potatoes, fresh tomatoes, fresh lettuce, fresh broccoli, fresh celery, fresh cauliflower, fresh carrots, fresh apples, fresh grapes, fresh oranges, fresh onions, and raw plain popcorn</p> <p>Class 032. First use: First Use: 1992/06/01 First Use In Commerce: 1992/06/01  orange juice and citrus punch</p>

U.S. Registration No.	1286296	Application Date	06/06/1983
Registration Date	07/17/1984	Foreign Priority Date	NONE
Word Mark	SHURFRESH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 031. First use: First Use: 1983/02/09 First Use In Commerce: 1983/02/09 Fresh Vegetables		

U.S. Registration No.	1152556	Application Date	06/13/1978
Registration Date	04/28/1981	Foreign Priority Date	NONE
Word Mark	SHURFRESH		
Design Mark			
Description of Mark	NONE		

Goods/Services	<p>Class 029. First use: First Use: 1963/07/00 First Use In Commerce: 1963/07/00  Dairy Products-Namely, Butter, Buttermilk, Cheese, Cheese Food, Cheese Spread, Cottage Cheese, Cream Cheese,[Egg Nog,] Fresh Eggs, Fresh Milk, Fresh Cream, Half and Half, Margarine, Sour Cream, Yogurt, Whipping Cream; Meat Products-Namely, Bacon, Frankfurters, Hams, Luncheon Meat, Whole Frozen Turkeys, Pork Sausage, Wafer Thin Sliced Meats, Wafer Thin Sliced Poultry, Pork Chops, Potato Chips; Prepared Salads-Namely; Jalapeno Spread, Chicken Salad, Chopped Ham Salad, [Fruit Cocktail,] Potato Salad, Pimiento Spread</p> <p>Class 030. First use: First Use: 1963/07/00 First Use In Commerce: 1963/07/00  Bakery Products-Namely, Refrigerated Ready-to-Bake Biscuits, Bread, Brown and Serve Rolls, Buns, Cookies, [Crackers,] Donuts, Pretzels, Pretzel Thins, Pretzel Sticks, Sweet Rolls, Candy; Frozen Confections-Namely, Chocolate Fudge Bars, Ice Cream, Ice Cream Sandwiches, Ice Milk, Ice Milk Bars, Mellorine, Sherbert, Frozen Confections on a Stick, Snack Foods-Namely, Chips, Flavored Vegetable and Dairy-Based Snack Dips, Cheese Flavored Puffed Corn Snacks</p> <p>Class 032. First use: First Use: 1971/10/00 First Use In Commerce: 1971/10/00  Fruit Juices-Namely, Grapefruit Juice, Orange Juice</p>		
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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.	1722210	Application Date	08/27/1991
Registration Date	10/06/1992	Foreign Priority Date	NONE
Word Mark	SHUR SAVING		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 029. First use: First Use: 1988/01/30 First Use In Commerce: 1988/01/30  lunch meats, [ frankfurters, shelled nuts, nacho chips, ] potato chips, [ dehydrated soup mixes, ramen soup and noodles, ] evaporated/condensed milk, green olives and maraschino cherries, cooking and salad oils, solid shortening,</p>		

	pan coatings, peanut butter [ and raisins ]		
U.S. Registration No.	1711996	Application Date	08/26/1991
Registration Date	09/01/1992	Foreign Priority Date	NONE
Word Mark	SHUR SAVING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1987/01/30 First Use In Commerce: 1987/01/30 [seasoning and sauce mixes], barbecue sauce, s[paghetti sauce, muffin, bread and roll mixes, pancake mixes], cookies, crackers, dessert and ice cream toppings, dried rice, dry gravy, flour, honey, maple syrup, mustard, pasta, pie fillings,[ baking powder and soda], sugar and vinegar		
U.S. Registration No.	1703595	Application Date	08/26/1991
Registration Date	07/28/1992	Foreign Priority Date	NONE
Word Mark	SHUR SAVING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1988/01/30 First Use In Commerce: 1988/01/30 regular and diet soft drinks and powdered soft drink mixes		
U.S. Registration No.	1445491	Application Date	08/04/1986
Registration Date	06/30/1987	Foreign Priority Date	NONE
Word Mark	SHUR SAVING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1982/10/00 First Use In Commerce: 1982/10/00 FRUIT JUICES, FROZEN CONCENTRATED FRUIT JUICES, AND TOMATO JUICE		
U.S. Registration No.	1435870	Application Date	08/04/1986
Registration Date	04/07/1987	Foreign Priority Date	NONE
Word Mark	SHUR SAVING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 031. First use: First Use: 1982/10/00 First Use In Commerce: 1982/10/00 CANNED DOG FOOD, [CANNED CAT FOOD, ] AND CAT LITTER		

U.S. Registration No.	1435869	Application Date	08/04/1986
Registration Date	04/07/1987	Foreign Priority Date	NONE
Word Mark	SHUR SAVING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1982/09/00 First Use In Commerce: 1982/09/00 [ ALIMENTARY PASTES, CAKE MIXES, FROSTING MIXES, BROWNIE MIX, ] MACARONI AND CHEESE DINNER, COFFEE, TEA, SPICES, [ CATSUP, FROZEN TURKEY AND BEEF POT PIES, ] INSTANT CHOCOLATE MIX, HOT COCOA MIX, CHOCOLATE FLAVORED DRINK MIX, BREAKFAST CEREALS, CHOCOLATE CHIPS, [ MARSHMALLOWS, ] AND ICE CREAM		

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			
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-DAIRY CREAMER, MARGARINE, VEGETABLE SHORTENING, SALAD OIL, MAYONNAISE, SALAD DRESSINGS, PICKLES, [ AND INSTANT NON-FAT MILK ]		

U.S. Registration No.	1435514	Application Date	08/04/1986
Registration Date	04/07/1987	Foreign Priority Date	NONE
Word Mark	SHUR SAVING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1982/09/00 First Use In Commerce: 1982/09/00 FACIAL TISSUES, BATHROOM TISSUES, PAPER NAPKINS, AND PAPER TOWELS		

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			
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		
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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.	1237527	Application Date	01/18/1982
Registration Date	05/10/1983	Foreign Priority Date	NONE
Word Mark	SHUR SAVING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 1981/12/29 First Use In Commerce: 1981/12/29 Canned Vegetables		

U.S. Registration No.	2222998	Application Date	03/07/1995
Registration Date	02/09/1999	Foreign Priority Date	NONE
Word Mark	SHUR TECH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 1996/01/31 First Use In Commerce: 1996/01/31 [ antifreeze/coolant, brake fluid, power steering fluid and windshield wiper de-icer fluid ] Class 003. First use: First Use: 1996/12/31 First Use In Commerce: 1996/12/31 [ windshield cleaner fluids ] Class 004. First use: First Use: 1996/01/31 First Use In Commerce: 1996/01/31 motor oil and transmission fluid		

U.S. Registration No.	2506498	Application Date	11/22/2000
Registration Date	11/13/2001	Foreign Priority Date	NONE
Word Mark	SHUR FINE CAFE		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 042. First use: First Use: 1997/09/00 First Use In Commerce: 1997/09/00 Restaurants; food services, namely, home meal replacement services consisting of the preparation and service of carryout, home-style meals		
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U.S. Registration No.	2116787	Application Date	01/22/1996
Registration Date	11/25/1997	Foreign Priority Date	NONE
Word Mark	SHURFINE PAID CALL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 1996/03/15 First Use In Commerce: 1996/03/15 prepaid long-distance telephone services		

U.S. Registration No.	2775641	Application Date	09/13/2002
Registration Date	10/21/2003	Foreign Priority Date	NONE
Word Mark	SURECOMFORT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2002/04/00 First Use In Commerce: 2002/04/00 ADULT INCONTINENCE PRODUCTS, NAMELY, DIAPERS AND INCONTINENCE GARMENTS		

U.S. Registration No.	2946338	Application Date	11/22/2000
Registration Date	05/03/2005	Foreign Priority Date	NONE
Word Mark	SHURFINE COMMITTED TO QUALITY		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 001. First use: First Use: 2000/08/00 First Use In Commerce: 2000/10/00 Water softener salt and unexposed photographic film</p> <p>Class 004. First use: First Use: 1999/07/00 First Use In Commerce: 1999/08/00 Fireplace logs, fire starters composed of combustible material, charcoal briquettes, charcoal lighter fluid</p> <p>Class 006. First use: First Use: 2000/09/00 First Use In Commerce: 2002/12/00 Aluminum foil</p> <p>Class 008. First use: First Use: 2000/09/00 First Use In Commerce: 2002/12/00 plastic flatware, namely, plastic forks, plastic knives, plastic spoons</p> <p>Class 009. First use: First Use: 2000/08/00 First Use In Commerce: 2000/10/00 Batteries and single use cameras</p> <p>Class 011. First use: First Use: 2000/08/00 First Use In Commerce: 2000/10/00 Electric light bulbs</p> <p>Class 016. First use: First Use: 2000/07/00 First Use In Commerce: 2000/08/00</p>		

	<p>Adhesive tapes for stationery or household use, self-stick note pads, paper filters for coffee makers, paper napkins, toilet paper, plastic wrap, wax paper, facial tissues, paper towels, paper baking cups, disposable diapers, plastic food storage bags for household use, plastic garbage bags, plastic sandwich bags, plastic storage bags, plastic trash can liners</p> <p>Class 017. First use: First Use: 2002/10/00 First Use In Commerce: 2002/12/00 Strapping tape</p> <p>Class 020. First use: First Use: 2000/08/00 First Use In Commerce: 2000/10/00 Drinking straws and plastic inserts for use as a bottle liner</p> <p>Class 021. First use: First Use: 2000/08/00 First Use In Commerce: 2000/10/00 plastic plates, bowls and cups, foam plates, bowls and cups</p> <p>Class 022. First use: First Use: 2000/07/00 First Use In Commerce: 2000/08/00 plastic garbage bags, plastic sandwich bags, plastic storage bags, plastic trash can liners, plastic waste basket liners</p> <p>Class 030. First use: First Use: 2000/03/00 First Use In Commerce: 2000/04/00 Sugar substitutes and seasoning blend contained in a roasting bag</p> <p>Class 031. First use: First Use: 2002/07/00 First Use In Commerce: 2002/08/00 Dog food, cat food, cat litter, wild birdseed, pet snacks, unpopped popcorn</p> <p>Class 034. First use: First Use: 2002/02/00 First Use In Commerce: 2002/03/00 cigarette lighters not of precious metals and matches</p>
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U.S. Registration No.	2926511	Application Date	11/22/2000
Registration Date	02/15/2005	Foreign Priority Date	NONE
Word Mark	SHUR FINE COMMITTED TO QUALITY		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 029. First use: First Use: 2000/01/15 First Use In Commerce: 2000/01/15 Canned seafood, namely, tuna fish, salmon, oysters, shrimp, sardines; cooking and salad oils, namely, canola oil, corn oil, peanut oil, vegetable oil, sunflower oil, olive oil; vegetable oil cooking spray, peanut butter, shortening, sandwich spread, namely mayonnaise substitute, flaked coconut, edible processed seeds, pickles, processed pimento, dried fruits, processed nuts, fruit-based snack foods, maraschino cherries, whipped dairy topping, fruit-based pie fillings, applesauce, fruit-based spreads, jams, jellies, fruit preserves, instant soup mixes, canned soups, chili, corned beef hash, beef stew, canned fruits, canned vegetables, tomato puree, tomato paste, canned chicken, canned meats, namely, canned corned beef; non-dairy creamer, dairy whipped toppings, processed peppers, processed olives, baked beans, pork and beans, refried beans, dried beans, dried peas, potato mixes, bacon flavor bits, shoestring potatoes, shelled nuts, slivered nuts, bouillon, frozen fish, frozen fruits, frozen vegetables, cheese toppings, cheese food, cheese toppings; frozen onion rings, refried beans</p> <p>Class 030. First use: First Use: 2000/06/20 First Use In Commerce: 2000/06/20 Black pepper, salad dressing, mayonnaise, baking products, namely, confectionery chips for baking, pie crust shells, vanilla, baking powder, baking soda, frostings, flavoring extracts, namely, vanilla extract, vanilla extract substitute and lemon extract; flour, sugar, marshmallow creme, pastry shells, lemon extract, corn starch; cake mixes, coffee, tea, instant coffee, corn based snack foods, namely, confections, namely, hard candy, chocolate bits and jellied candies; syrups, namely, chocolate syrup, corn syrup, maple syrup, pancake</p>		

	<p>syrup, strawberry syrup; puffed wheat breakfast cereal, puffed rice breakfast cereal, snack foods, namely, candy, popped popcorn, snack cakes, salsa, cereal-derived ready to eat food bars, trail mix; sauces, namely, seafood cocktail sauce, tartar sauce, picante sauce, taco sauce, cheese sauce, sloppy joe sauce, spaghetti sauce, pizza sauce, pasta sauces, barbecue sauce, tomato sauce, hot sauce, steak sauce, Worcester sauce, soy sauce, teriyaki sauce, chili sauce; catsup, mustard, salt, spices, relish, vinegar, dessert food, namely, pies, pudding mixes, flavored gelatin mixes, dessert toppings, ice cream cones, breakfast foods, namely, waffles, pancakes, oatmeal, hot cereals, toaster pastries, frozen foods, namely, frozen pizza, frozen confections, pot pies, croutons, stuffing, gravy mixes, spaghetti sauce mix, seasoning mixes, marinades, seasoned poultry coatings, bread crumbs, stuffing mixes containing bread, pancake mix, pasta pie crust mix, cookies, ready-to-eat breakfast cereals, cornbread mix, corn meal, corn muffin mix, crackers, roasting bag with seasoning blend, pasta, canned pasta with sauce, dry packaged dinner mixes, macaroni and cheese dinner, a mix composed primarily of seasonings, spices and diced potato or pasta to be combined with meat to make a dinner entree, rice, mixes, tamales, taco shells, sandwich spread, honey, marshmallow, cocoa, powdered chocolate drink mixes, iced tea mixes</p> <p>Class 032. First use: First Use: 2000/04/21 First Use In Commerce: 2000/04/21 Breakfast fruit-drink mixes, fruit nectars, fruit drinks, carbonated soft drinks, low calorie soft drinks, soft drink mixes, vegetable juice beverage, frozen fruit juice concentrates, bottled drinking water, lemon juice concentrate</p>
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U.S. Registration No.	2921034	Application Date	11/22/2000
Registration Date	01/25/2005	Foreign Priority Date	NONE
Word Mark	SHUR FINE COMMITTED TO QUALITY		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: First Use: 2001/05/24 First Use In Commerce: 2001/05/24 Household cleaning preparations, namely, abrasive cleaner for use on sinks, bathtubs, toilets, shower stalls, floors and walls, all-purpose household cleaners, household ammonia, household laundry bleach, floor wax, furniture polish, toilet bowl cleaners, carpet cleaner, bathroom cleaning preparations, fabric softener, fabric softener in sheet form, dish washing detergent, laundry detergent, stain removers, drain openers, window cleaning preparations</p> <p>Class 005. First use: First Use: 2001/11/12 First Use In Commerce: 2001/11/12 household disinfectants and carpet deodorizers</p>		

U.S. Registration No.	1965622	Application Date	05/10/1995
Registration Date	04/02/1996	Foreign Priority Date	NONE
Word Mark	SHUR FINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1937/01/00 First Use In Commerce: 1937/01/00 retail grocery store services; whole sale distributorship featuring groceries		

U.S. Registration	2314177	Application Date	12/16/1998
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No.			
Registration Date	02/01/2000	Foreign Priority Date	NONE
Word Mark	SHURSAVE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1989/00/00 First Use In Commerce: 1989/00/00 retail grocery store services		

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 deodorizers, air fresheners, [ domestic pesticides ], incontinence garments,</p>		

incontinence pads, medicated sunburn preparations, [ medicated lip balm] , nutritional supplements, mineral supplements, mineral oil for medical and therapeutic use

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 ]

Class 009. First use: First Use: 1992/04/30 First Use In Commerce: 1992/04/30 batteries, single use cameras, [ blank video tapes ]

Class 010. First use: First Use: 1994/05/04 First Use In Commerce: 1994/05/04 [thermometers for medical use ]

Class 011. First use: First Use: 1990/07/31 First Use In Commerce: 1990/07/31 light bulbs

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

Class 017. First use: First Use: 1993/02/28 First Use In Commerce: 1993/02/28 strapping tape

Class 018. First use: First Use: 1991/06/01 First Use In Commerce: 1991/06/01 [ rawhide chews for dogs, tote bags ]

Class 020. First use: First Use: 1992/01/31 First Use In Commerce: 1992/01/31 drinking straws

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

Class 025. First use: First Use: 1992/04/10 First Use In Commerce: 1992/04/10 [ driving gloves, head bands, shower caps, insoles ]

Class 026. First use: First Use: 1992/05/01 First Use In Commerce: 1992/05/01 [ hair implements, namely, non-electric hair curlers, barrettes, hair pins, hair ornaments, hair nets, hair bands, hair clips, hair picks ]

Class 028. First use: First Use: 1992/02/29 First Use In Commerce: 1992/02/29 [ cat toys, dog toys, athletic tape ]

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, shelled nuts, 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 primarily of vegetables

	<p>Class 030. First use: First Use: 1995/08/31 First Use In Commerce: 1995/08/31  baking products, namely, mixes for bakery goods, confectionery chips for  baking, pie crust shells, vanilla, baking powder, baking soda, frostings,  marshmallow creme; corn-based snack foods, namely, [ popcorn cakes] , tortilla  chips, corn chips, cheese curls, nacho cheese chips, syrups, namely, chocolate  syrup, corn syrup, maple syrup, pancake syrup; snack foods, namely, candy,  yogurt covered pretzels, peanut brittle, snack cakes, bread sticks, salsa, [ rice  cakes] , cereal-derived food bars; sauces, namely, seafood cocktail sauce,  [tartar sauce] , picante sauce, taco sauce, cheese sauce, sloppy joe sauce,  spaghetti sauce, pizza sauce, pasta sauces, barbecue sauce, hot sauce, steak  sauce, worchester sauce, soy sauce, teriyaki sauce; dessert food, namely, pies,  pudding mixes, flavored gelatin mixes, dessert toppings, namely, chocolate  toppings, [ butterscotch toppings, caramel toppings], ice cream cones; breakfast  foods, namely, waffles, pancakes, bagels, oatmeal, hot cereals, toaster pastries;  frozen foods, namely, frozen entrees consisting primarily of pasta or rice, frozen  confections, pot pies, croutons, stuffing, gravy, gravy mixes, spaghetti sauce  mix, seasoning mixes, seasoned coating for meat and poultry, bread crumbs,  stuffing mixes containing bread, biscuits, seasoning blend contained in a  roasting bag, pasta, canned pasta with sauce, dry packaged meals consisting  primarily of pasta or rice, [ chow mein noodles], rice mixes, [ tamales], taco  shells, [ tostada shells], tortilla mix, honey, marshmallows, cocoa</p> <p>Class 031. First use: First Use: 1988/12/31 First Use In Commerce: 1988/12/31  dog food, cat food, cat litter, wild bird seed, pet snacks</p> <p>Class 032. First use: First Use: 1995/04/18 First Use In Commerce: 1995/04/18  breakfast fruit-drink mixes, fruit nectars, non-alcoholic ciders, fruit drinks,  carbonated soft drinks, low calorie soft drinks, soft drink mixes, bottled drinking  water, sports drinks, [ beer ]</p> <p>Class 034. First use: First Use: 1995/01/31 First Use In Commerce: 1995/01/31  cigarettes, cigarette lighters not of precious metals</p>
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Attachments	<p>76371167#TMSN.gif ( 1 page )( bytes )  76170163#TMSN.gif ( 1 page )( bytes )  75706197#TMSN.gif ( 1 page )( bytes )  75749514#TMSN.gif ( 1 page )( bytes )  75591494#TMSN.gif ( 1 page )( bytes )  73099395#TMSN.gif ( 1 page )( bytes )  75200764#TMSN.gif ( 1 page )( bytes )  73428929#TMSN.gif ( 1 page )( bytes )  73174213#TMSN.gif ( 1 page )( bytes )  74198523#TMSN.gif ( 1 page )( bytes )  73612936#TMSN.gif ( 1 page )( bytes )  73612935#TMSN.gif ( 1 page )( bytes )  73612934#TMSN.gif ( 1 page )( bytes )  73611626#TMSN.gif ( 1 page )( bytes )  73612938#TMSN.gif ( 1 page )( bytes )  73612939#TMSN.gif ( 1 page )( bytes )  73612937#TMSN.gif ( 1 page )( bytes )  73345877#TMSN.gif ( 1 page )( bytes )  76170167#TMSN.gif ( 1 page )( bytes )  76169989#TMSN.gif ( 1 page )( bytes )  76169990#TMSN.gif ( 1 page )( bytes )  76169991#TMSN.gif ( 1 page )( bytes )  75606868#TMSN.gif ( 1 page )( bytes )  75194224#TMSN.gif ( 1 page )( bytes )  Opposition.pdf ( 5 pages )(220964 bytes )</p>
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Signature	/Hillary A. Brooks/
Name	Hillary A. Brooks
Date	08/28/2007

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

In the matter of trademark application Serial No. 78/961,407  
Filed: August 28, 2006  
For the mark SURETUCK  
Class: 029  
Published in the Official Gazette at TM 755 on March 6, 2007

SHURFINE FOODS, INC.,	)	
	)	Opposition No. _____
Opposer,	)	
	)	
v.	)	
	)	
PERDUE HOLDINGS, INC.,	)	
	)	
Applicant.	)	

**NOTICE OF OPPOSITION**

1. SHURFINE FOODS, INC., an Illinois corporation having its principal place of business at 6700 S.W. Sandburg Street, Tigard, Oregon 97223 (“Opposer”), believes that it is damaged by registration of the mark SURETUCK that is the subject of U.S. Trademark Application Serial No. 78/961,407 (“’407 application”) for poultry by Perdue Holdings, Inc., a Delaware corporation, having an address at 1105 N. Market Street, Wilmington, DE 19801, (“Applicant”). The ’407 application was filed August 28, 2006, and published in the Official Gazette at TM 755 on March 6, 2007. Opposer opposes registration of the ’407 application.

As first grounds for opposition, Opposer alleges as follows:

2. Opposer owns numerous registrations for SHUR- prefix marks, i.e., U.S. Registration Nos. 2,710,943; 2,506,497; 2,425,809; 2,341,464; 2,285,574; 1,928,809; 1,916,702; 1,847,799; 1,820,916; 1,702,791; 1,691,599; 1,683,923; 1,134,376; and 558,657 for the marks SHUR FINE and SHURFINE as service marks and trademarks for a variety of grocery and household products; U.S. Registration Nos. 2,216,611; 2,153,416; 1,546,999; and 770,099 for the mark SHUR VALU as a collective service mark and trademark for a variety of grocery and household products; U.S. Registration Nos. 2,276,332; 1,286,296; 1,152,556; 945,843; 786,505; 686,418; and 663,880 for the mark SHURFRESH for a variety of grocery products; U.S. Registration Nos. 1,737,906; 1,722,210; 1,711,996; 1,703,595; 1,445,491; 1,435,870; 1,435,869; 1,435,858; 1,435,514; 1,431,181; 1,430,811; and 1,237,527 for the mark SHUR SAVING for

grocery and household products; U.S. Registration No. 2,222,998 for the mark SHUR TECH for various automotive maintenance products; U.S. Registration No. 2,506,498 for SHUR FINE CAFÉ for food services, namely, home meal replacement services consisting of the preparation and service of carryout, home-style meals; U.S. Registration No. 2,116,787 for the mark SHURFINE PAID CALL for prepaid long-distance telephone services; U.S. Registration No. 2,775,641 for the mark SURECOMFORT for adult incontinence products, namely, diapers and incontinence garments; and U.S. Registration No. 2,946,338; 2,926,511; 2,921,034 for the marks SHUR FINE COMMITTED TO QUALITY and SHURFINE COMMITTED TO QUALITY for a variety of grocery and household products; U.S. Registration No. 1,965,622 for the mark SHUR FINE for retail grocery store services; U.S. Registration No. 2,314,177 for the mark SHURSAVE for retail grocery store services; and U.S. Registration No. 2,170,823 for the mark SHUR FINE for a variety of grocery store products including frozen poultry.

3. Applicant's mark SURETUCK so resembles Opposer's registered SHUR FINE, SHURFINE, SHUR VALU, SHURFRESH, SHURSAVE, SHUR SAVING, SHURTECH, SHUR FINE CAFÉ, SHURFINE PAID CALL, SURECOMFORT, SHUR FINE COMMITTED TO QUALITY, and SHURFINE COMMITTED TO QUALITY marks as to be likely, when used on or in connection with the goods or services of the Applicant, to cause confusion, mistake or deception.

As second, alternative, grounds for opposition, Opposer alleges as follows:

4. Opposer, since prior to Applicant's filing date or any date of first use upon which Applicant can rely, has used and not abandoned the marks SHUR FINE and SHURFINE as service marks, collective marks, and trademarks for a variety of grocery and household products sold in grocery, convenience, and drug stores, including frozen poultry.

5. Opposer, since prior to Applicant's filing date or any date of first use upon which Applicant can rely, has used and not abandoned the mark SHUR VALU for grocery and household products sold in grocery, convenience, and drug stores.

6. Opposer, since prior to Applicant's filing date or any date of first use upon which Applicant can rely, has used and not abandoned the mark SHURFRESH for grocery and household products sold in grocery, convenience, and drug stores.

7. Opposer, since prior to Applicant's filing date or any date of first use upon which Applicant can rely, has used and not abandoned the mark SHURSAVE for retail grocery store services.

8. Opposer, since prior to Applicant's filing date or any date of first use upon which Applicant can rely, has used and not abandoned the mark SHUR SAVING for grocery and household products sold in grocery, convenience, and drug stores.

9. Opposer, since prior to Applicant's filing date or any date of first use upon which Applicant can rely, has used and not abandoned the mark SHUR TECH for automotive products sold in grocery, convenience, and drug stores.

10. Opposer, since prior to Applicant's filing date or any date of first use upon which Applicant can rely, has used and not abandoned the mark SHUR FINE CAFÉ for restaurants, food services, namely home meal replacement services consisting of the preparation and service of carryout, home-style meals sold in grocery, convenience, and drug stores.

11. Opposer, since prior to Applicant's filing date or any date of first use upon which Applicant can rely, has used and not abandoned the mark SHURFINE PAID CALL for prepaid long-distance telephone services sold in grocery, convenience, and drug stores.

12. Opposer, since prior to Applicant's filing date or any date of first use upon which Applicant can rely, has used and not abandoned the mark SURECOMFORT for adult incontinence products.

13. Opposer, since prior to Applicant's filing date or any date of first use upon which Applicant can rely, has used and not abandoned the marks SHUR FINE COMMITTED TO QUALITY and SHURFINE COMMITTED TO QUALITY for a variety of grocery and household items.

14. Applicant's mark SURETUCK so resembles Opposer's previously used marks SHUR FINE, SHURFINE, SHUR VALU, SHURFRESH, SHURSAVE, SHUR SAVING,

SHURTECH, SHUR FINE CAFÉ, SHURFINE PAID CALL, SURECOMFORT, SHUR FINE COMMITTED TO QUALITY, and SHURFINE COMMITTED TO QUALITY as to be likely, when used on or in connection with the goods or services of the Applicant, to cause confusion, mistake or deception.

As third, alternative, grounds for opposition, Opposer alleges as follows:

15. Opposer is the owner of a family of SHUR- prefixes marks including SHUR FINE, SHURFINE, SHUR VALU, SHURFRESH, SHURSAVE, SHUR SAVING, SHURTECH, SHUR FINE CAFÉ, SHURFINE PAID CALL, SURECOMFORT, SHUR FINE COMMITTED TO QUALITY, and SHURFINE COMMITTED TO QUALITY.

16. Opposer, since prior to Applicant's filing date or any date of first use upon which Applicant can rely, has used and promoted its marks SHUR FINE, SHURFINE, SHUR VALU, SHURFRESH, SHURSAVE, SHUR SAVING, SHURTECH, SHUR FINE CAFÉ, SHURFINE PAID CALL, SURE COMFORT, SHUR FINE COMMITTED TO QUALITY, and SHURFINE COMMITTED TO QUALITY as a family of marks.

17. Applicant's mark SURETUCK is so similar to Opposer's family of marks that, when used on or in connection with the goods or services of the Applicant, is likely to be perceived as another member of Opposer's family of marks, and is likely to cause confusion, mistake or deception.

As fourth, alternative, grounds for opposition, Opposer alleges as follows:

18. Opposer's marks SHUR FINE, SHURFINE, SHUR VALU, SHURFRESH, SHURSAVE, SHUR SAVING, SHURTECH, SHUR FINE CAFÉ, SHURFINE PAID CALL, SURECOMFORT, SHUR FINE COMMITTED TO QUALITY, and SHURFINE COMMITTED TO QUALITY have become distinctive and famous within the meaning of Section 43(c) of the Lanham Act [15 U.S.C. Section 1125(c)].

19. Applicant's use and registration of the mark SURETUCK will cause dilution of the distinctive quality of Opposer's marks.

As fifth, alternative, grounds for opposition, Opposer alleges as follows:

20. Applicant's mark SURETUCK when used on or in connection with the goods of the Applicant is merely descriptive.

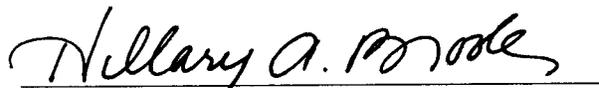
As a sixth, alternative, grounds for opposition, Opposer alleges as follows:

21. Applicant's mark SURETUCK when used on or in connection with the goods of the Applicant suggests a false connection with Opposer within the meaning of Section 2(a) of the Trademark Act [15 U.S.C. Section 1052(a)].

Opposer prays that this opposition is sustained and that registration to the Applicant is refused.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.



Hillary A. Brooks  
Registration No. 45,815  
Attorney for Opposer

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