

ESTTA Tracking number: **ESTTA19758**

Filing date: **11/22/2004**

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

<b>Name</b>	Shurfine Foods, Inc.
<b>Granted to Date of previous extension</b>	11/21/2004
<b>Address</b>	6700 S.W. Sandburg Street Tigard, OR 97223 UNITED STATES

<b>Correspondence information</b>	Shurfine Foods, Inc. 6700 S.W. Sandburg Street Tigard, OR 97223 UNITED STATES docketing@techlaw.com,beth@techlaw.com,laura@techlaw.com Phone:(503) 222-3613
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#### Applicant Information

<b>Application No</b>	78226710	<b>Publication date</b>	05/25/2004
<b>Opposition Filing Date</b>	11/22/2004	<b>Opposition Period Ends</b>	11/21/2004
<b>Applicant</b>	Clio Designs Incorporated One Grove Street Watertown, MA 02472		

UNITED STATES
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**Goods/Services Affected by Opposition**

Class 002.

All goods and services in the class are opposed, namely: Textured and rubberized non-slip coating for hand held razors, battery operated shavers, battery powered nose and ear hair trimmers, and battery operated eyebrow trimmers

Class 008.

All goods and services in the class are opposed, namely: Textured and rubberized non-slip coating that is sold as an integral component of hand held razors, battery operated shavers, battery powered nose and ear hair trimmers, and battery operated eyebrow trimmers

<b>Attachments</b>	Notice of Opposition.pdf ( 5 pages )
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<b>Signature</b>	/s/Hillary A. Brooks
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<b>Name</b>	Shurfine Foods, Inc.
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<b>Date</b>	11/22/2004
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark application Serial No. 78/226,710  
Filed March 18, 2003  
For the mark SURE GRIP  
Classes: 2 and 8  
Published in the Official Gazette on May 25, 2004

SHURFINE FOODS, INC.,	)
	)
Opposer,	)
	)
v.	)
	)
CLIO DESIGNS INCORPORATED,	)
	)
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 SURE GRIP that is the subject of U.S. Trademark Application Serial No. 78/226,710 (“’710 application”) for texturized and rubberized non-slip coating for hand held razors, battery operated shavers, battery powered nose and ear hair trimmers, and battery operated eyebrow trimmers by Clio Designs Incorporated, a Massachusetts corporation having an address at One Grove Street, Watertown, Massachusetts 02472, (“Applicant”). The ’710 application was filed March 18, 2003 and published in the Official Gazette on May 25, 2004. Opposer opposes registration of the ’710 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; 2,170,823; 1,965,622; 1,928,809; 1,916,702; 1,847,799; 1,820,916; 1,702,791; 1,691,599; 1,683,923; 1,134,376; 807,575; 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. 2,153,416;

2,112,899; 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 No. 2,314,177 for the mark SHURSAVE for retail grocery store services; 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; and U.S. Registration No. 2,775,641 for the mark SURECOMFORT for adult incontinence products, namely, diapers and incontinence garments.

3. Applicant's mark SURE GRIP so resembles Opposer's registered SHURFINE, SHURFRESH, SHUR VALU, SHURSAVE, SHUR SAVING, SHURTECH, SHUR FINE CAFÉ, SURE COMFORT, and SHURFINE PAID CALL 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 mark SHURFINE as a service mark, collective mark, and trademark for a variety of grocery and household products sold in grocery, convenience, and drug stores.

5. Opposer, since prior to Applicant's filing date or any date of first use upon which Registrant can rely, has used and not abandoned the mark SHURFRESH for grocery 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 SHUR VALU 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, namely, diapers and incontinence garments

13. Applicant's mark SURE GRIP so resembles Opposer's previously used marks SHURFINE, SHURFRESH, SHUR VALU, SHURSAVE, SHUR SAVING, SHURTECH, SHUR FINE CAFÉ, SURE COMFORT, and SHURFINE PAID CALL 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:

14. Opposer is the owner of a family of SHUR- prefixes marks including SHURFINE, SHURFRESH, SHUR VALU, SHURSAVE, SHUR SAVING, SHURTECH, SHUR FINE CAFÉ, SURE COMFORT, and SHURFINE PAID CALL.

15. 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 SHURFINE, SHURFRESH, SHUR VALU, SHURSAVE, SHUR SAVING, SHURTECH, SHUR FINE CAFÉ, SURE COMFORT, and SHURFINE PAID CALL as a family of marks.

16. Applicant's mark SURE GRIP 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:

17. Opposer's marks SHURFINE, SHURFRESH, SHUR VALU, SHURSAVE, SHUR SAVING, SHUR TECH, SHUR FINE CAFÉ, SURE COMFORT, and SHURFINE PAID CALL have become distinctive and famous within the meaning of Section 43(c) of the Lanham Act [15 U.S.C. Section 1125(c)].

18. Applicant's use and registration of the mark SURE GRIP will cause dilution of the distinctive quality of Opposer's marks.

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

19. Applicant's mark SURE GRIP 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:

20. Applicant's mark SURE GRIP 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.

  
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