

ESTTA Tracking number: **ESTTA39898**

Filing date: **07/25/2005**

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	07/24/2005
Address	6700 S.W. Sandburg Street Tigard, OR 97223 UNITED STATES

Attorney information	Graciela G. Cowger Marger Johnson & McCollom 210 S.W. Morrison Street Suite 400 Portland, OR 97204 UNITED STATES docketing@techlaw.com, laura@techlaw.com, beth@techlaw.com, Cynthia.Casby@hklaw.com Phone:5032223613
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Applicant Information

Application No	78104396	Publication date	01/25/2005
Opposition Filing Date	07/25/2005	Opposition Period Ends	07/24/2005
Applicant	American Healthcare Products, Incorporated 3260 Industry Drive		

Signal Hill, CA 90806 UNITED STATES
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Goods/Services Affected by Opposition

Class 010.

All goods and services in the class are opposed, namely: Disposable gloves for medical use, namely latex examination gloves, vinyl examination gloves, nitrile examination gloves; disposable surgical face masks for medical use; disposable tray covers for medical use, disposable tongue blades for medical use and medical isolation gowns

Attachments	Notice Opposition.pdf (5 pages)
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Signature	/Graciela G. Cowger/
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Name	Graciela G. Cowger
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Date	07/25/2005
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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. 78/104,396
Filed: January 23, 2002
For the mark: SUREGRIP
Class: 010
Published in the Official Gazette at TM 333 on January 21, 2005

SHURFINE FOODS, INC.,)	
)	Opposition No. _____
Opposer,)	
)	
v.)	
)	
AMERICAN HEALTHCARE)	
PRODUCTS, 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 SUREGRIP that is the subject of U.S. Trademark Application Serial No. 78/104,396 (“’396 application”) for medical disposables products, namely latex exam gloves, vinyl exam gloves, nitrile exam gloves, face masks, tray covers, tongue blades, isolation gowns, and other disposable medical products by American Healthcare Products, Inc., a California corporation having an address at 1068 Westminster Avenue, Alhambra, CA 91803, (“Applicant”). The ’396 application was filed January 23, 2002 and published in the Official Gazette at TM 333 on January 21, 2005. Opposer opposes registration of the ’396 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; 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 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; 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.

3. Applicant's mark SUREGRIP so resembles Opposer's registered 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 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, 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.

5. Opposer, since prior to Applicant's filing date, 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, 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, has used and not abandoned the mark SHURSAVE for retail grocery store services.

8. Opposer, since prior to Applicant's filing date, 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, 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, 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, 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, has used and not abandoned the mark SURECOMFORT for adult incontinence products, namely, diapers and incontinence garments.

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

14. Applicant's mark SUREGRIP so resembles Opposer's previously used 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 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, SURE COMFORT, SHUR FINE COMMITTED TO QUALITY, and SHURFINE COMMITTED TO QUALITY.

16. Opposer, since prior to Applicant's filing date, 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 SUREGRIP 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, SURE COMFORT, 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 SUREGRIP 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 SUREGRIP when used on or in connection with the goods of the Applicant is merely descriptive.

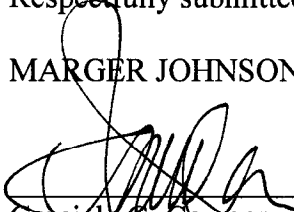
As a sixth, alternative, grounds for opposition, Opposer alleges as follows:

21. Applicant's mark SUREGRIP 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 the board sustain this opposition and refuse registration to the Applicant.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.



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