

PTO Form 1930 (Rev 9/2007)

OMB No. 0651-0050 (Exp. 4/30/2009)

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77521400
LAW OFFICE ASSIGNED	LAW OFFICE 114
MARK SECTION (no change)	
ARGUMENT(S)	
<p>Section 2(d) Likelihood of Confusion Refusal</p> <p>The examining attorney has continued as final the Section 2(d) refusal citing the Registrant's mark CONDOR (U.S. Reg. No. 2669399) for "oil and gas field machinery for use in cementing, acidizing, fracturing, wireline, pumping, drilling and downhole operations; namely, cementers, acid trucks and pumps, high pressure fracture trucks and pumps, blenders and nitrogen pumps" in Class 007 and "consulting engineering services in connection with pumping, drilling, mixing and downhole oil and gas field operations" in Class 042 against Applicant's mark CondorFlow (exponential form as to Flow) for the following goods and services:</p> <p>Class 009: Software and computer programs for creating model of oil reservoirs using integrated data fields of data acquired during oil production.</p> <p>Class 035: Business management assistance and professional consultation about the organization and management of businesses related to the oil reservoirs modeling software.</p> <p>Class 042: Computer programming for adjusting static geological models and dynamic reservoir models through integration of well data acquired during oil production; technical consultation relating to engineering, conducting technical project engineering studies, engineering research in the field of oil exploration production, and industrial design, engineering surveying, geological estimations, engineering services, namely, developing reports for others for adjusting static geological models and dynamic reservoir models through integration of well data acquired during oil production.</p> <p style="text-align: center;"><i>Marks at Issue</i></p> <p>The examining attorney has argued that Applicant has merely appropriated the Registrant's mark CONDOR and added the term "Flow" thereto. Applicant respectfully submits that the additional of this term creates a separate commercial impression. Specifically, the geomodeling software utilizes <u>exponential</u> functions to create modeling, measure data and reconcile fluid movement simulations.</p>	

Therefore, the sophisticated software purchasing consumer realizes the suggestive nature of the term "Flow" as it relates to the goods and services at issue and the use of the mark in exponential form as it relates to software modeling.

Goods & Services at Issue

Applicant respectively submits that the respective parties' goods and services issue are not closely related and the means in which they are offered and/or sold would not result in consumer confusion.

It is respectfully argued that the examining attorney has simplified the nature of the goods and services at issue here. Registrant's goods are oil and gas field machinery for use in cementing, acidizing, fracturing, wireline, pumping, drilling and downhole operations. Specifically, cementers, acid trucks, fracture trucks and pumps, blenders, and nitrogen pumps are extremely expensive. Furthermore, these high ticket items are not purchased like cars are an automobile dealership.

Registrant's web site <http://www.condorengr.com/> describes its mission, the type and nature of its equipment and pricing inquiries therein. *See attached web page excerpts.*

Condor Engineering and Manufacturing, LLC has approximately 30 years experience in the oil and natural gas well services business. The bulk of the experience includes equipment design, development and manufacturing. The principals of Condor have over 50 years of direct experience in the oil field drilling, completion and services industry.

Mission Statement

Condor's mission is to conceive, design, develop and manufacture the most innovative and highest quality oilfield services equipment.

Frac Pumps - we have designed and manufactured over 100 body-load and trailer mounted, high horse-power, frac pump units incorporating components from all the major engine, transmission and pump suppliers

To contact us regarding pricing, availability, or to discuss how Condor might be able to satisfy your requirements, go to the Contact Us page and send us an email. We will get back to you quickly. To learn more about the Mixer Technology incorporated in the Condor Blender, click on the mixer link. mixer technology...

It is clear from the Registrant's web site that it consults with the customer and designs, develops and manufactures the oil field equipment utilizing third party components such as engines, transmissions and pumps. This is a long, expensive and creative process that is customized for each party's needs.

Furthermore, the cost is extremely expensive and purchasing decisions are not impulsive. Applicant's Attorney called the sales department at Stewart & Stephenson www.ssss.com to discuss the nature of the business.

As background, the web site link and attachment discusses that background information of this company in the area of Engineering Oilfield Products - <http://www.ssss.com/Products%20and%20Services/Oilfield%20Equipment/>.

Stewart & Stevenson is the largest North American producer of stimulation equipment and now offers a complete line of drilling, workover and well servicing equipment.

In addition to leading edge equipment, Stewart & Stevenson offers unparalleled service and support for every unit we sell. Our highly skilled technicians travel worldwide to provide equipment training, commissioning and service.

Applicant's Attorney's discussions with Stewart & Stevenson's sales personnel disclosed that their oilfield equipment such as acid trucks and pumps, fracture pumps and trucks, cementing trucks, blenders and the like can range from \$750,000 to \$1.25 million dollars per unit. It was further explained this process is a long and sophisticated business practice. It may be large oil companies (domestic or international) that seek bids for producing this equipment that include exact manufacturing specifications due to the nature of the task *or* surveying, drilling and well cracking oil companies such as Weatherford www.weatherford.com or Baker Hughes www.bakerhughes.com. *Applicant's Attorney has signed a declaration as to this specific information.*

A review of Registrant's specimens submitted to the USPTO confirms the issue of cost. In the Section 8 affidavit specimen, Sanjel Corporation is quoted a price of \$837,500 for a dual mixer trailer blender. Additionally, in another specimen of record, BJ Services Company has made an inquiry as to a closed blender. Registrant indicates in the letter that there are three (3) engines to meet this requirement. The two listed quotes for the engine alone exceed \$114,000. *See attached specimens.*

It is indisputable that considerable research and thought processes go into spending this sum of money for such a specialized task. Further, Registrant must be available for consultation and training to demonstrate to the client how to use this sophisticated equipment.

In summation, the nature of Registrant's business under the mark CONDOR is an engineering and manufacturing company of oil equipment for pumping, drilling, mixing and wellbore, which is the physical hole that makes up the well. The term "Downhole" refers to "...equipment used inside an oil well" *See attached dictionary excerpt.*

In contrast, Applicant's goods are highly technical software and computer programs for creating model of oil reservoirs. These geomodeling programs simulate work flow, fluid flow within an oil reservoir. The software compares simulated data with measured data to be used in production forecasts. *See attached Condorflow datasheet.*

As for Applicant's services in Classes 035 & 042, it is clear that the field of use relates to the oil reservoirs modeling software and the geological models and dynamic reservoir models through integration of well data acquired during oil production *not* oil equipment for pumping, drilling, mixing and wellbore uses.

The software will be used by petrochemical and geological persons that specialize in working with oil reservoir modeling scenarios. The software is not purchased off the shelf in a retail store. Sales agents that are highly trained demonstrate the function of this software and work with companies to determine whether it will suit their needs.

One does not purchase the computer program in a fashion similar to computer game software and install for home use. There are licensing considerations, cost factors depending on intended use and scope of use as well as training required to competently and efficiently utilize this program.

Examining Attorney's Evidence of Record

The examining attorney has attached evidence to support her refusal and Applicant respectfully addresses its relevancy below.

With respect to the third party registrations attached in the final office action it is noted:

1. Registration Nos. 2573810 and 2573811 are both owned by Alberta Research Council Inc and should be treated as one.
2. Registration Nos. 3604291, 3545070 and 3345130 are all owned by Caltex Limited and should be treated as one.
3. Registration Nos. 3308488 and 3379340 are both owned by Yokogawa Electric Corporation and should be treated as one.
4. Registration Nos. 3420035, 3331377 and 3341299 are all owned by Paradigm Geophysical Corporation and should be treated as one.

Therefore, six (6) of the third party registrations should not be accorded weight since they are the same specification from the same owner.

Furthermore, the following five (5) third party registrations do not demonstrate that Registrant's and Applicant's goods and/or services are the kind that emanate from a single source. Specifically, these goods and/or services are unrelated to the oil and gas industry and are not representative of and are of limited probative value as to the expansion in this specific field and whether consumers would believe they emanated from a common source: *U.S. Registration Nos. 2782521, 2921937, 3206574, 3116496 and 3111960.*

Applicant also points out that only one registration – U.S. Registration No. 3604291 owned by Caltex Limited - contains Class 007 goods that relate to the oil and gas field. Clearly, this evidence is not sufficient to demonstrate a connection between Registrant's Class 007 goods and Applicant's goods and services in Classes 009, 035 and 042.

It is also important to note that the USPTO does differentiate as to the related nature of goods and/or services and channels of trade based on the existence of the following attached third party marks:

1. The mark CONDOR (U.S. Reg. No. 0295906) is registered to ConocoPhillips, a major petroleum company, for "[motor fuel, oils and] lubricating oils in Class 004. The examiner has attached U.S. Registration Nos. 3394038 and 3242858 to demonstrate that Class 004 goods and Class 042 services are related. Note that the USPTO correctly never cited U.S. Reg. No. 0295906 against the Registrant's mark.
2. The USPTO properly did not cite the Registrant's mark CONDOR in Class 007 for blenders that use centrifugal mixers [http://www.condorengr.com/Condor_Blender.html] against U.S. Reg. No. COM1

CONDOR for Class 007 centrifuges.

It is respectfully submitted that the nature of the goods, channels of trade and sophistication of purchasers were taken into account in these cases.

Turning to the examining attorney's on-line evidence attached to the final office action, it is pointed out that that there is not a great deal of overlap in the oil and gas industry. The evidence shows as stated below that these companies focus on a specific niche in the industry and are not a one stop provider of all oil and gas goods and services.

1. **Westshore Consulting** provides oil and gas engineering and surveying services. It does not provide software or oilfield equipment used therewith. *See attached web site excerpt.* Please be aware that neither the Registrant nor the Applicant is involved in hydrocarbon or mining exploration. The examining attorney's evidence points to their non-invasive hydrocarbon and mining service rather than the attached relevant oil and gas services.
2. **Fairwinds International** provides onshore or offshore project management and consultation services for the oil and gas industry as discussed in the attached excerpt.
3. **McMoran Exploration Co.** provides oil and gas exploration where "...infrastructure is in most cases already available..." as stated in the evidence of record and the attached additional web page excerpts.
4. **Gleason Engineering's** objective is to provide expert technical and business insight to the process of reserve asset evaluation. By focusing on the practical aspects of engineering as they apply to standard business practices, Gleason Engineering equips its clients with the tools needed to make informed choices about developing and exploiting its oil and gas resources. This language is taken from web site which is part of the examining attorney's evidence. It is clearly stated that the focus of the business is to provide business evaluation as to an oil reserve asset to determine whether to develop and exploit this resource.

As stated above, the oil and gas industry is a highly technical field in which companies carve out specific expertise and provide them within the scope of an industry that has many goods and services to offer.

Based on the differences in the marks, channels of trade, classes of consumers, as well as the high degree of care exercised by potential customers, there is no likelihood of confusion. The TTAB has recognized that sophistication of purchasers is very relevant in these cases.

TMEP Section 1207.01(d)(vii) states that "the fact that purchasers are sophisticated or knowledgeable in a particular field *does not necessarily mean* that they are immune from source confusion. However, *circumstances suggesting care in purchasing* may tend to minimize likelihood of confusion.

In *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973), the Court of Customs and Patent Appeals discussed the factors relevant to a likelihood of confusion determination and TMEP Section 1207.01 states that in an ex parte case, the "conditions under which and buyers to whom sales are made, i.e., "impulse" vs. careful, sophisticated purchasing" is one of the most relevant factors.

The respective parties' goods and/or services are impulse purchases and require a high level of knowledge and experience. Clearly if the registrant's customer's a paying a million dollars, they would exercise a relatively high degree of care in their purchasing decisions.

Furthermore, and very important as to the sophistication of the purchasers factor, is the knowledge required to purchase Registrant's and Applicant's goods and/or services are entirely dissimilar. Therefore, it is not a case where these technically trained purchasers would be buying both parties' goods and services. See *TCPIP Holding Co., Inc. v. Haar Communications, Inc.*, 244 F.3d 88, 102 (2d Cir.2001) ("The more sophisticated the consumers, the less likely they are to be misled by similarity in marks."); *Cadbury Beverages, Inc. v. Cott Corp.*, 73 F.3d 474, 480 (2d Cir.1996) ("The sophistication factor recognizes that the likelihood of confusion between the products at issue depends in part on the sophistication of the relevant purchasers.").

For the foregoing reasons, it is respectfully requested that the Section 2(d) likelihood of confusion refusal be withdrawn and the application be approved for publication.

EVIDENCE SECTION

EVIDENCE FILE NAME(S)

ORIGINAL PDF FILE	http://tgate/PDF/RFR/2009/12/30/20091230215035841564-77521400-007_001/evi_20913520066-213416326_._Condor_Engineering__Manufacturing_Web_Site_Print_Outs.pdf
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DESCRIPTION OF EVIDENCE FILE	web site print outs of Registrant's web site, Stewart & Stephenson web site print outs, Registrant's Condor Specimens of Use, Encarta dictionary definition excerpt for Downhole, Applicant's Condorflow data sheet, USPTO TESS 3rd party registrations and Supplemental web site print outs of 3rd parties referenced in examiner's final office action
ADDITIONAL STATEMENTS SECTION	
MISCELLANEOUS STATEMENT	Applicant hereby submits a government filing fee of \$325.00 to cover the deficiency for the third international class.
PAYMENT SECTION	
NUMBER OF CLASSES	1
FEE PER CLASS	325
TOTAL FEES DUE	325
SIGNATURE SECTION	
DECLARATION SIGNATURE	/jas/
SIGNATORY'S NAME	Jeffrey A. Smith
SIGNATORY'S POSITION	Applicant's Attorney
DATE SIGNED	12/30/2009
RESPONSE SIGNATURE	/jas/
SIGNATORY'S NAME	Jeffrey A. Smith
SIGNATORY'S POSITION	Applicant's Attorney
DATE SIGNED	12/30/2009
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Dec 30 21:50:35 EST 2009
	USPTO/RFR-209.135.200.66-20091230215035841564-7752

TEAS STAMP	1400-460f6e38b9d34f513ba3 50ce884134c27c-DA-7632-20 091230213416326929
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PTO Form 1930 (Rev 9/2007)

OMB No. 0651-0050 (Exp. 4/30/2009)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **77521400** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Section 2(d) Likelihood of Confusion Refusal

The examining attorney has continued as final the Section 2(d) refusal citing the Registrant's mark CONDOR (U.S. Reg. No. 2669399) for "oil and gas field machinery for use in cementing, acidizing, fracturing, wireline, pumping, drilling and downhole operations; namely, cementers, acid trucks and pumps, high pressure fracture trucks and pumps, blenders and nitrogen pumps" in Class 007 and "consulting engineering services in connection with pumping, drilling, mixing and downhole oil and gas field operations" in Class 042 against Applicant's mark Condor_{Flow} (exponential form as to Flow) for the following goods and services:

Class 009: Software and computer programs for creating model of oil reservoirs using integrated data fields of data acquired during oil production.

Class 035: Business management assistance and professional consultation about the organization and management of businesses related to the oil reservoirs modeling software.

Class 042: Computer programming for adjusting static geological models and dynamic reservoir models through integration of well data acquired during oil production; technical consultation relating to engineering, conducting technical project engineering studies, engineering research in the field of oil exploration production, and industrial design, engineering surveying, geological estimations, engineering services, namely, developing reports for others for adjusting static geological models and dynamic reservoir models through integration of well data acquired during oil production.

Marks at Issue

The examining attorney has argued that Applicant has merely appropriated the Registrant's mark CONDOR and added the term "Flow" thereto. Applicant respectfully submits that the additional of this term creates a separate commercial impression. Specifically, the geomodeling software utilizes exponential functions to create modeling, measure data and reconcile fluid movement simulations.

Therefore, the sophisticated software purchasing consumer realizes the suggestive nature of the term "Flow" as it relates to the goods and services at issue and the use of the mark in exponential form as it relates to software modeling.

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Applicant respectfully submits that the respective parties' goods and services issue are not closely related and the means in which they are offered and/or sold would not result in consumer confusion.

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Furthermore, the cost is extremely expensive and purchasing decisions are not impulsive. Applicant's Attorney called the sales department at Stewart & Stephenson www.ssss.com to discuss the nature of the business.

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In summation, the nature of Registrant's business under the mark CONDOR is an engineering and manufacturing company of oil equipment for pumping, drilling, mixing and wellbore, which is the physical hole that makes up the well. The term "Downhole" refers to "...equipment used inside an oil well" *See attached dictionary excerpt.*

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It is respectfully submitted that the nature of the goods, channels of trade and sophistication of purchasers were taken into account in these cases.

Turning to the examining attorney's on-line evidence attached to the final office action, it is pointed out that there is not a great deal of overlap in the oil and gas industry. The evidence shows as stated below that these companies focus on a specific niche in the industry and are not a one stop provider of all oil and gas goods and services.

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Based on the differences in the marks, channels of trade, classes of consumers, as well as the high degree of care exercised by potential customers, there is no likelihood of confusion. The TTAB has recognized that sophistication of purchasers is very relevant in these cases.

TMEP Section 1207.01(d)(vii) states that "the fact that purchasers are sophisticated or knowledgeable in a particular field *does not necessarily mean* that they are immune from source confusion. However, *circumstances suggesting care in purchasing* may tend to minimize likelihood of confusion.

In *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973), the Court of Customs and Patent Appeals discussed the factors relevant to a likelihood of confusion determination and TMEP Section 1207.01 states that in an ex parte case, the "conditions under which and buyers to whom sales are made, i.e., "impulse" vs. careful, sophisticated purchasing" is one of the most relevant factors.

The respective parties' goods and/or services are impulse purchases and require a high level of knowledge and experience. Clearly if the registrant's customer's a paying a million dollars, they would exercise a relatively high degree of care in their purchasing decisions.

Furthermore, and very important as to the sophistication of the purchasers factor, is the knowledge required to purchase Registrant's and Applicant's goods and/or services are entirely dissimilar. Therefore, it is not a case where these technically trained purchasers would be buying both parties' goods and services. *See TCPIP Holding Co., Inc. v. Haar Communications, Inc., 244 F.3d 88, 102 (2d Cir.2001)* ("The more sophisticated the consumers, the less likely they are to be misled by similarity in marks."); *Cadbury Beverages, Inc. v. Cott Corp., 73 F.3d 474, 480 (2d Cir.1996)* ("The sophistication factor recognizes that the likelihood of confusion between the products at issue depends in part on the sophistication of the relevant purchasers.").

For the foregoing reasons, it is respectfully requested that the Section 2(d) likelihood of confusion refusal be withdrawn and the application be approved for publication.

EVIDENCE

Evidence in the nature of web site print outs of Registrant's web site, Stewart & Stephenson web site print outs, Registrant's Condor Specimens of Use, Encarta dictionary definition excerpt for Downhole, Applicant's Condorflow data sheet, USPTO TESS 3rd party registrations and Supplemental web site print outs of 3rd parties referenced in examiner's final office action has been attached.

Original PDF file:

http://tgate/PDF/RFR/2009/12/30/20091230215035841564-77521400-007_001/evi_20913520066-213416326_._Condor_Engineering__Manufacturing_Web_Site_Print_Outs.pdf

Converted PDF file(s) (6 pages)

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Evidence-5

Evidence-6

Original PDF file:

http://tgate/PDF/RFR/2009/12/30/20091230215035841564-77521400-007_002/evi_20913520066-213416326_._Stewart__Stephenson_Web_Site_Print_Out.pdf

Converted PDF file(s) (1 page)

Evidence-1

Original PDF file:

http://tgate/PDF/RFR/2009/12/30/20091230215035841564-77521400-007_003/evi_20913520066-213416326_._Condor_Registrant_Specimens_of_Use.pdf

Converted PDF file(s) (3 pages)

Evidence-1

Evidence-2

Evidence-3

Original PDF file:

http://tgate/PDF/RFR/2009/12/30/20091230215035841564-77521400-007_004/evi_20913520066-213416326_._Encarta_Dictionary_Definition_of_Downhole.pdf

Converted PDF file(s) (1 page)

Evidence-1

Original PDF file:

http://tgate/PDF/RFR/2009/12/30/20091230215035841564-77521400-007_005/evi_20913520066-213416326_.Applicant_CondorFlow_Datasheet.pdf

Converted PDF file(s) (2 pages)

Evidence-1

Evidence-2

Original PDF file:

http://tgate/PDF/RFR/2009/12/30/20091230215035841564-77521400-007_006/evi_20913520066-213416326_.USPTO_TESS_3rd_Party_Registrations.pdf

Converted PDF file(s) (4 pages)

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Original PDF file:

http://tgate/PDF/RFR/2009/12/30/20091230215035841564-77521400-007_007/evi_20913520066-213416326_.Supplemental_Internet_Evidence_of_3rd_Parties_Web_Sites.pdf

Converted PDF file(s) (7 pages)

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Evidence-5

Evidence-6

Evidence-7

ADDITIONAL STATEMENTS

Applicant hereby submits a government filing fee of \$325.00 to cover the deficiency for the third international class.

FEE(S)

Fee(s) in the amount of \$325 is being submitted.

SIGNATURE(S)

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii); and/or the applicant has had a bona fide intention to exercise legitimate control over the use of the mark in commerce by its members. 37 C.F. R. Sec. 2.44. If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods and/or services listed in the application as of the application filing date or as of the date of any submitted allegation of use. 37 C.F.R. Secs. 2.34(a)(1)(i); and/or the applicant has exercised legitimate control over the use of the mark in commerce by its members. 37 C.F.R. Sec. 244. The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and

belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /jas/ Date: 12/30/2009
Signatory's Name: Jeffrey A. Smith
Signatory's Position: Applicant's Attorney

Request for Reconsideration Signature

Signature: /jas/ Date: 12/30/2009
Signatory's Name: Jeffrey A. Smith
Signatory's Position: Applicant's Attorney

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

RAM Sale Number: 7632
RAM Accounting Date: 12/31/2009

Serial Number: 77521400
Internet Transmission Date: Wed Dec 30 21:50:35 EST 2009
TEAS Stamp: USPTO/RFR-209.135.200.66-200912302150358
41564-77521400-460f6e38b9d34f513ba350ce8
84134c27c-DA-7632-20091230213416326929

Condor Engineering & Manufacturing, LLC

Oil Well Services Equipment

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Mission Statement

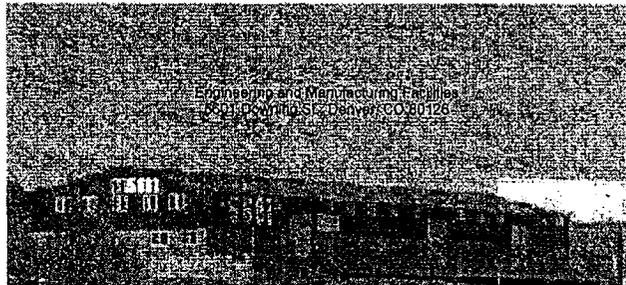
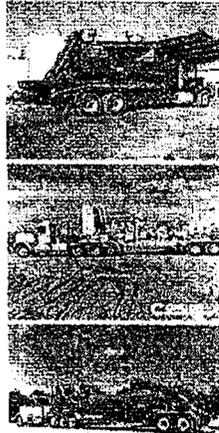
Condor's mission is to conceive, design, develop and manufacture the most innovative and highest quality oilfield services equipment.

Blenders - we have designed, manufactured and delivered, a patented, 3rd generation closed blender design, utilizing a high speed centrifugal mixing architecture. Our design supports flow rates from 1 to 120 barrels/min. with proppant delivery rates of 20,000 lbs./min for each Condor mixer. [more...](#)

Frac Pumps - we have designed and manufactured over 100 body-load and trailer mounted, high horse-power, frac pump units incorporating components from all the major engine, transmission and pump suppliers. [more...](#)

Combination (Frac/Blender) Units - we have designed and manufactured various types of well services equipment combining the functionality of blending (mixing), high pressure pumping and chemical transport into a single unit. [more...](#)

Mobile Command Control Center (Frac Vans) - Condor is currently developing the architecture to support hard-wired and wireless C3 Vans for oil and natural gas well stimulation services. [more...](#)



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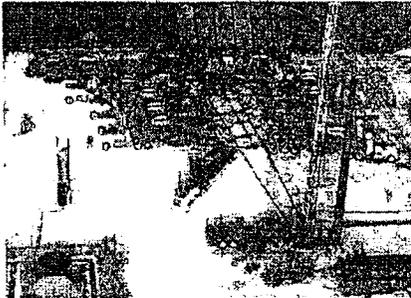
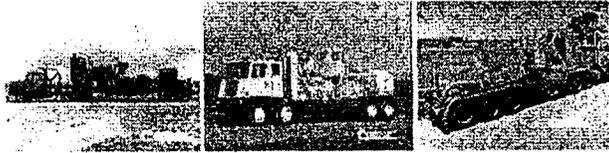
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Condor Engineering and Manufacturing, LLC has approximately 20 years experience in the oil and natural gas well services business. The bulk of the experience includes equipment design, development and manufacturing. The principals of Condor have over 50 years of direct experience in the oil field drilling, completion and services industry.

Since 1978, Condor E&M has been a leading innovator in closed blender designs. The principals have been awarded five (5) patents specific to this type of system. The most recent patent, awarded in 2004, establishes a 3rd generation design combining the pumping and mixing functions into a single apparatus.

[View the Facilities](#)



This well service operation is being completed by Viking Pumping Services, Bryan, TX. All the units, except the Sand Hauler, were design, developed and manufactured by Condor Engineering. The trailer mounted blender is in front of the frac tanks. This unit was built around the 2nd generation Condor mixer design. The frac pumps utilize a Corrius, Twin Disk, and DPI injector pump architecture. We are currently building with 3rd generation mixer technology that greatly surpasses the capabilities of this earlier equipment design. Contact us for further information.

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Condor Engineering & Manufacturing, LLC

Oil Well Services Equipment

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Sales

For more information regarding, general equipment pricing and availability, please click on the "Sales" button and send us an email - we will respond quickly.

Company Profile

Corp Info

For more information about Condor Engineering & Manufacturing, LLC, please click on the "Corp Info" button and send us an email.

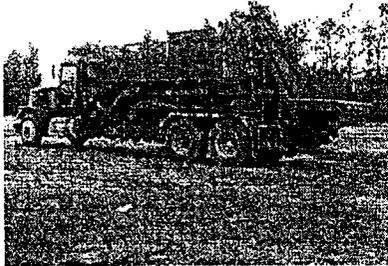
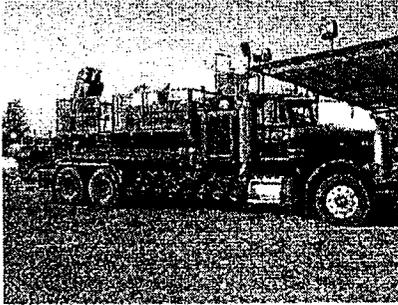
News and Events

Technical

For more information regarding, general technical specifications of the Condor E&M equipment, please click on the "Technical" button and send us your questions or requests for technical information.

Contact Us

We are ready to respond to your system and operational requirements...



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Condor Engineering & Manufacturing, LLC

Oil Well Services Equipment

Condor Manufacturing Facilities

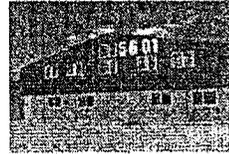
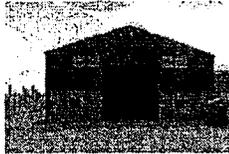
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Condor Engineering & Manufacturing is located at 5601 Downing St., Denver, CO, just north of downtown Denver in an setting zoned for heavy, industrial fabrication (I-2).



- 7500 Sq.Ft. of Heavy Industrial Manufacturing Capacity
- Approximately 1.5 acres of yard storage
- Gated Property - Zoned for I-2 Manufacturing Activities
- Indoor and Outside Welding and Fabrication Stations
- Simultaneously build 5 trailer mounted Condor Blenders
- On-site test facilities

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Condor Engineering & Manufacturing, LLC

Oil Well Services Equipment

Condor Blender Body Load, Single Mixer Trailer, Dual Mixer Trailer

The Condor Blender provides your organization with the following operational features:

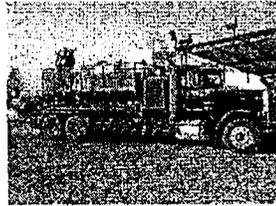
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- Suction and discharge from either side, or "split" the manifolds for configuration diversity
- Reduces operation and maintenance costs
- Meets all DOT regulations
- Mixing capacities of 120 BPM and 20,000 pounds of proppant per minute (Trailer Mounted Unit)
- Programmable, automated control system augments traditional manual controls
- Light-weight design yields large cargo capacity
- Adapts to your liquid and dry chemical systems
- Eliminates operator concerns for monitoring tub levels
- Provides high speed centrifugal mixing with single throttle control
- Out performs existing closed blender designs



[More on Blender Configurations...](#)

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Condor Engineering & Manufacturing, LLC

Oil Well Services Equipment

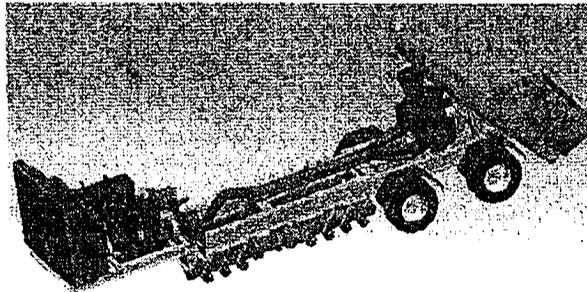
New Blender Configurations

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To contact us regarding pricing, availability, or to discuss how Condor might be able to satisfy your requirements, go to the [Contact Us](#) page and send us an email. We will get back to you quickly. To learn more about the Mixer Technology incorporated in the Condor Blender, click on the mixer link. [mixer technology...](#)

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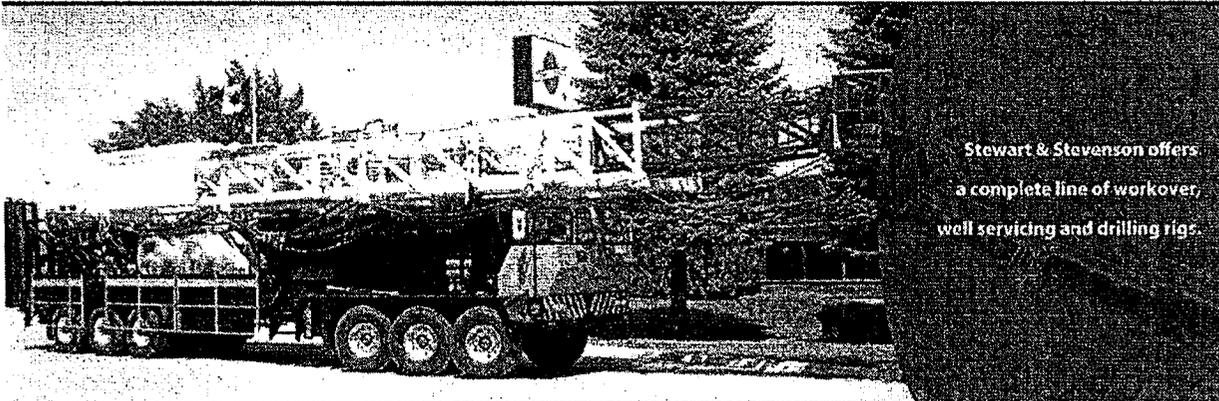
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Stewart & Stevenson offers a complete line of workover, well servicing and drilling rigs.

Engineered Oilfield Products

Stewart & Stevenson has served the oilfield since the 1940s, when the company first customized diesel engines to provide prime power for drilling and workover rigs. Stewart & Stevenson diesel engine packages soon provided auxiliary and prime power for stimulation equipment and drilling rigs around the globe. We became a prime oilfield equipment manufacturer, adding some of the first mobile blenders and oilfield stimulation, acidizing, cementing and electric logging trucks. Some of the equipment we have manufactured recently can be seen in our [Manufactured Equipment Image Gallery](#).

Today, Stewart & Stevenson designs and manufactures a broad range of engineered oilfield products that includes:

- [Cementing systems](#)
- [Control systems](#)
- [Coiled Tubing Systems](#)
- [Gas Compression systems](#)
- [Nitrogen and Industrial Gas systems](#)
- [Power Generation systems](#)
- [Prime movers](#)
- [Rigs](#)
- [Stimulation equipment](#)
- [Support units](#)

Stewart & Stevenson is the largest North American producer of stimulation equipment and now offers a complete line of drilling, workover and well servicing equipment. Quality engineered with the latest advances in oilfield technology, and completely manufactured in North America for more than 20 years, our rigs meet the rigorous industry standards established by the American Petroleum Institute (API) and the International Standards Organization (ISO).

In addition to leading edge equipment, Stewart & Stevenson offers unparalleled service and support for every unit we sell. Our highly skilled technicians travel worldwide to provide equipment training, commissioning and service. Customers have access to equipment service at our product support centers located near oil and gas fields in the United States and in a number of the world's major energy producing countries.

[Cementing Systems](#) | [Control Systems](#) | [Coiled Tubing Systems](#) | [Gas Compression](#)

[Nitrogen & Industrial Gas](#) | [Power Generation](#) | [Prime Movers](#) | [Stimulation Systems](#) | [Support Units](#)

[Manufactured Equipment Image Gallery](#)

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Bogota, Colombia
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Dongzhimen, South Avenue
Dongcheng District
Beijing, China, 100007
+86 10-6813-5050

Russia
World Trade Center, Entrance 6
Office 737
Krasnopresnenskaya Nab 12
Moscow 123610, Russia
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Municipio San Francisco
Apartado Postal 1087
Estado Zulia, Maracaibo, Venezuela
+58 261-717- 2700

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Cell: +1 281-757-2406
Email: l.bentley@ssss.com

Mario Trevino
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Phone: +1 281-345-5312
Cell: +1 713-248-6776
Fax: +1 713-673-5019
Email: m.trevino@ssss.com

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CONDOR *Engineering and Manufacturing, LLC.*

Thursday, February 15, 2007

Invoice Number DMT0001

Don MacDonald
Chief Executive Officer
Sanjel Corporation
200, 505 - 2nd St. SW - Suite 200
Calgary, Alberta Canada T2P1N8

Dear Don:

This is the invoice that you requested for Sanjel Corporation to issue a purchase order to Condor Engineering and Manufacturing for a dual mixer trailer blender in the amount of \$837,500 and concurrently forward a deposit for \$279,166.67 (1/3 of the total unit price).

This unit price is based on the specifications that we submitted during our meeting in Denver, Colorado.

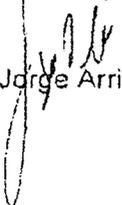
Modifications to the unit will be made to meet your preference of engines and other components to meet your component standardization program. The cost of the unit will be modified by the difference in cost between the components removed and the components added. These modifications will be approved by Sanjel Corporation in writing and will include an associated engineering cost computed at a rate of \$100/hr. Once the costs of all the modifications have been computed the deposits will be modified to reflect the final number.

As part of the purchase agreement of the above blender Condor will license its patented blender technology to attempt to solve a present problem on some of Sanjel's existing blenders until the above unit is available.

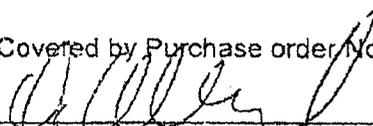
Sanjel will sign a licensing agreement and pay Condor a licensing fee of \$6,500 per month.

Please let me know if there are any changes or clarifications that we need to make in order to define the framework of our agreement, as I am eager to proceed with the modifications to your units and the fabrication of the dual mixer blender trailer.

Sincerely,


Jorge Arribau

Covered by Purchase order No. 62-448-452013


Signed by Don MacDonald

CONDOR Engineering and Manufacturing, Inc.

Mr. T. H. (Tommy) Koops
Vice President, Technology & Logistics
BJ Services Company, U.S.A.
11211 FM 2920
Tomball, Texas 77375

*Class 42
specimens*

Dear Tommy:

As you know, we restarted Condor last year after receiving inquiries for a new closed blender that could overcome the shortcomings of the original design. I am happy to say that we were successful on that endeavor and that we have a patent pending on a new closed blender that we will begin to test in the next four months.

Our plans are to rebuild Condor to the same production capacity and engineering excellence that it possessed prior to its acquisition by Geo International. We are well on our way as we presently have attained: i) a secured source of financing, ii) we presently occupy an office and manufacturing facility capable of producing three units per month and iii) we have an experienced labor force available, including many of our former employees

During the past eight months we have discussed with your engineering and operations' departments the feasibility of various designs and units that Condor could produce. We also reviewed with Bill James a list of your existing frac pumping equipment. The purpose of this review was to determine the most economical way to utilize all those existing components and incorporate them into one or more standardized trailer unit designs. During this process we developed three alternatives that will allow you to best utilize your existing components into a single trailer model.

We began our evaluation process by contacting Geoquip and they assured us that all your "OPI style" pumps could be overhauled and upgraded to 1800 or 2000 bhp (brake horsepower).

We also determined that the majority of your salvageable transmissions are Twin Disc. We were assured by their engineers that they can be overhauled and upgraded to a 2200 bhp input rating for a fraction of the cost of a new unit. There are many old model Allison transmissions that will have to be replaced by a latter model as they are not an efficient match for the new 2000 to 2250 bhp engines. As these units need to be replaced, Condor suggested to Twin Disc that they offer to buy all the old model Allisons and provide BJ Services with new transmissions at a special price. This will give BJ Services the advantage of having one model transmission on all single power train frac trailers.

Since the best utilization of your existing transmissions and pumps is in the range of 2000 to 2200 bhp the engine size to be selected will also be in a comparable range. After consulting with all suitable engine manufacturers and your engineering and operations departments, Condor determined that there are three engines that will meet this requirement: the Cummins K2200E, the Cummins K2000E and the Detroit Diesel

CONDOR *Engineering and Manufacturing, Inc.*

12V4000. Condor has worked closely with the Cummins organization to obtain the best possible advantages for BJ Services. This includes engine ratings, price, warranties and support until now not available to the frac services industry. Condor was authorized to offer the K2200E engine at a rating of 2200 bhp for frac applications. This engine is offered to BJ through Condor at the price of \$120,000 with a one year full warranty. The second alternative is the K2000E engine, at a rating of 2000 bhp, which is offered to BJ Services through Condor at the price of \$114,000 with a 5 year full warranty plus 2 year additional prorated warranty at no cost to BJ Services. The Detroit Diesel 12V4000 is also an alternative, however, Condor was not able to obtain any pricing from the supplier. Therefore, should you select this engine the most economical alternative will be that you furnish it to us.

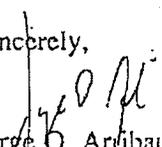
We are also proposing two different layouts for this unit. The first design, which is the base for our pricing, is identical to your Condor built unit number F507 presently located in Odessa. We will also present a low profile version of this design with a lower center of gravity on a different trailer. We feel very confident of our ability to build this trailer unit as we produced 62 of them between 1980 and 1983.

BJ Services requested that Condor submit a bid for these units under the guidelines of BJ Services supplying the pump, transmission, trailer and controls with Condor supplying everything else. Condor will supply any of the three unit alternatives described above for \$227,036 plus the cost of the engine. Attached to this letter is a scope of work detailing the items included in the base price given above. Condor will be able to deliver the first unit four months after receipt of order and one unit a month thereafter. Condor will be able to increase or decrease its production by one unit per month with three months notice.

Tommy we make ourselves available to meet with you and your staff to present a detailed presentation of our engineering concepts and designs at your convenience. Should you have any questions regarding these or any other matters please do not hesitate to contact me.

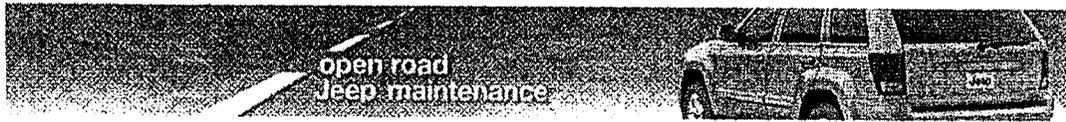
I look forward to hearing from you.

Sincerely,


Jorge O. Arribau

cc: Ronnie Coleman
Bill James
Jerry DeLatt
Jesse Hopkins
Glenn Frank

(* Additional warranty can be purchased as described in the attachments.



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- downfall
- downfallen
- downfield
- downforce
- downgrade
- downhaul
- downhearted
- downhill
- ▶ **downhole**
- downhome
- Downing Street
- downland
- downlight
- downlink
- download
- downmarket
- Downpatrick
- ↓

downhole

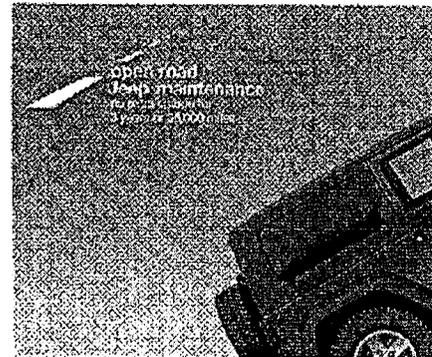
down-hole [down hỏĩ]

adjective

Definition:

used inside oil well; describes equipment used inside an oil well

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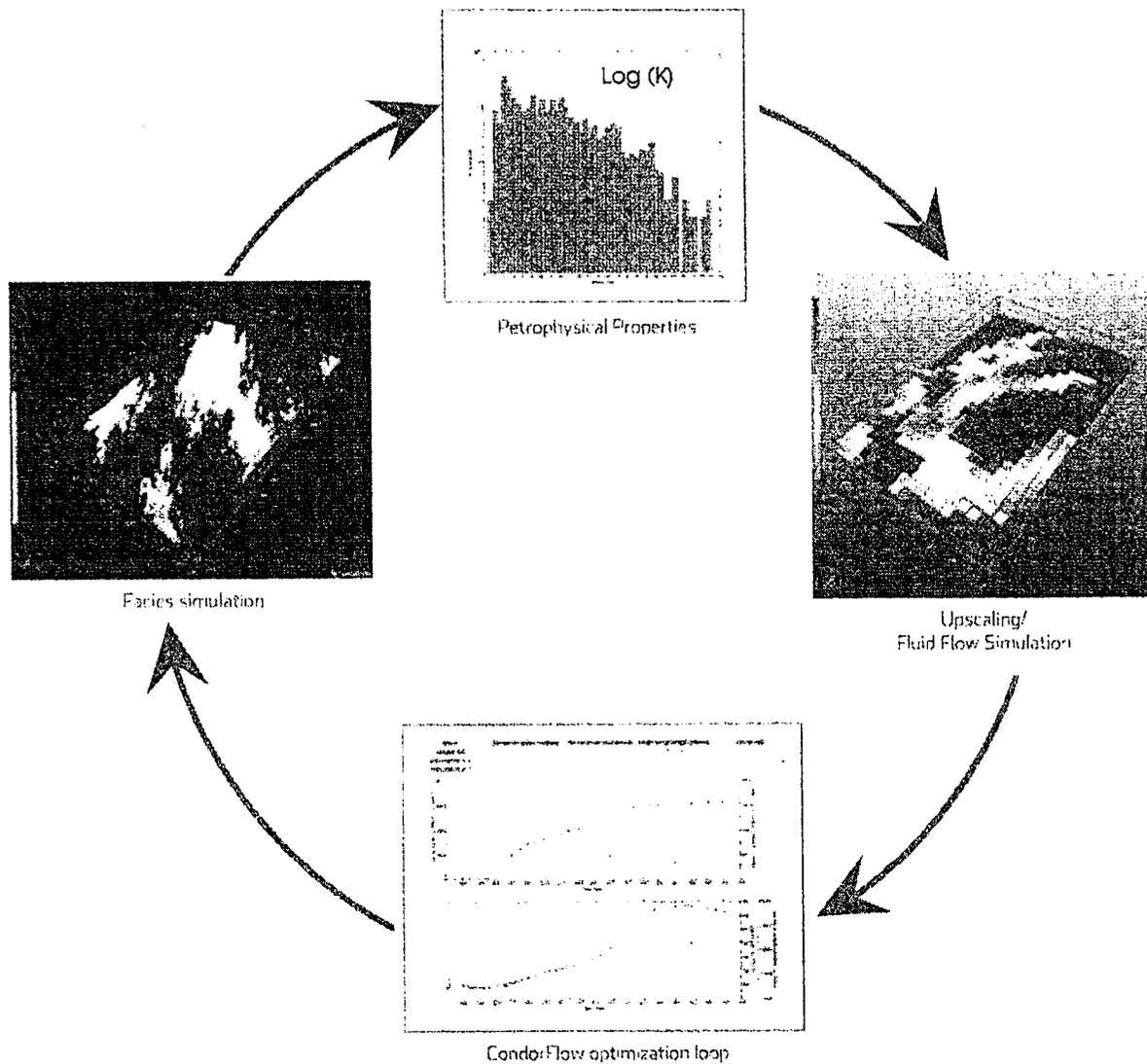
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SIMULATION WORKFLOW AND OPTIMIZATION LOOP

CondorFlow compares simulated data with measured data, adjusts input parameters and iterates the optimization loop until an optimum is reached. You can choose whether to manage just a part or all of the simulation workflow in the inversion process.

When the parameters are updated at the final scale of the geostatistical model, upscaling and fluid flow simulations are chained automatically.

You also have the option of modifying the strategy during simulation runs. The best matches can then be selected for further use in the project.



Perform your history matching process and minimize uncertainty in your production forecasts by integrating the entire workflow in the same simulation process.

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CondorFlow™

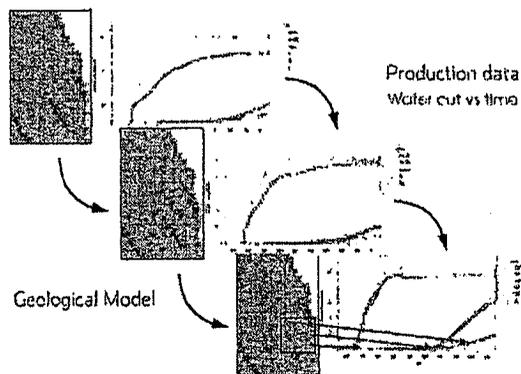
Powered by OpenFlow™

Assisted History Matching Solution

Benefiting from the Condor Joint Industrial Project conducted by IFP, Beicip-Franlab can now offer a fully robust and validated solution to help users speed up their history matching procedure and improve the quality of their production forecasts.

CondorFlow goes beyond the classic history matching procedure, which tends to iterate on fluid-flow parameters only: CondorFlow scans the main uncertainty parameters throughout the workflow, from geological modeling through reservoir simulation to upscaling.

Thanks to this extended data integration, CondorFlow Assisted History Matching achieves a robust reconciliation sooner and, once optimal match has been found, production forecasts are proven to be more accurate.





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Typed Drawing

Word Mark CONDOR
Goods and Services IC 004. US 015. G & S: [MOTOR FUEL OILS AND] LUBRICATING OILS. FIRST USE: 19311000. FIRST USE IN COMMERCE: 19311000
Mark Drawing Code (1) TYPED DRAWING
Serial Number 71323683
Filing Date February 1, 1932
Current Filing Basis 1A
Original Filing Basis 1A
Registration Number 0295906
Registration Date July 19, 1932
Owner (REGISTRANT) PHILLIPS PETROLEUM COMPANY CORPORATION DELAWARE CITY OF BARTLESVILLE OKLAHOMA 74004
 (LAST LISTED OWNER) CONOCOPHILLIPS COMPANY CORPORATION DELAWARE 600 NORTH DIARY ASHFORD HOUSTON TEXAS 77079
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Lynda S. Jolly
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECTION 8(10-YR) 20020518.
Renewal 4TH RENEWAL 20020518
Live/Dead

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Word Mark	COMI CONDOR
Goods and Services	IC 007. US 013 019 021 023 031 034 035. G & S: CENTRIFUGES AND THEIR PARTS; VIBRATING SCREENS, NAMELY VIBRATORY SCREEN SEPARATORS; CENTRIFUGE ACCESSORIES, NAMELY CENTRIFUGE CONTROL SYSTEMS COMPRISED OF VENT MODULATING CONTROL VALVES BEING PARTS OF CENTRIFUGE MACHINES
	IC 009. US 021 023 026 036 038. G & S: ELECTRIC PANELS, NAMELY ELECTRIC CONTROL PANELS, ELECTRIC LUMINESCENT DISPLAY PANELS; ELECTRIC BOARDS, NAMELY ELECTRIC CIRCUIT BOARDS AND ELECTRIC INDICATOR BOARDS; SOFTWARE FOR THE AUTOMATION AND REMOTE CONTROL OF THE WORKING CYCLE OF MACHINERY
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	03.15.09 - Gulls; Pelicans; Seabirds 03.15.24 - Stylized birds and bats 26.01.02 - Circles, plain single line; Plain single line circles 26.01.04 - Circles with two breaks or divided in the middle 26.01.21 - Circles that are totally or partially shaded. 26.03.02 - Ovals, plain single line; Plain single line ovals 26.03.21 - Ovals that are completely or partially shaded 26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters
Serial Number	79004613
Filing Date	March 11, 2004
Current Filing	66A

Basis

Original Filing Basis 66A

Published for Opposition June 20, 2006

Registration Number 3142301

International Registration Number 0831251

Registration Date September 12, 2006

Owner (REGISTRANT) COMI CONDOR S.P.A. JOINT STOCK COMPANY ITALY Via A. Volta 6 I-20019 SETTIMO MILANESE (MI) ITALY

Attorney of Record Jay K. Meadway

Description of Mark The mark includes a circle which contains an ellipse. The ellipse contains the word COMI in ordinary block type. Beneath the ellipse, the word CONDOR appears in stylized script; the word CONDOR is underlined with the figure of a stylized seagull.

Type of Mark TRADEMARK

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About Us

Westshore Consulting began providing professional services to the West Michigan area over 25 years ago. As the years have passed, the variety of professional services provided by Westshore, and the area in which we provide them, have both expanded. Today most of our work comes from existing clients who appreciate the quality of work provided by our experienced professionals.

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Rich VanNett

Penny Swain

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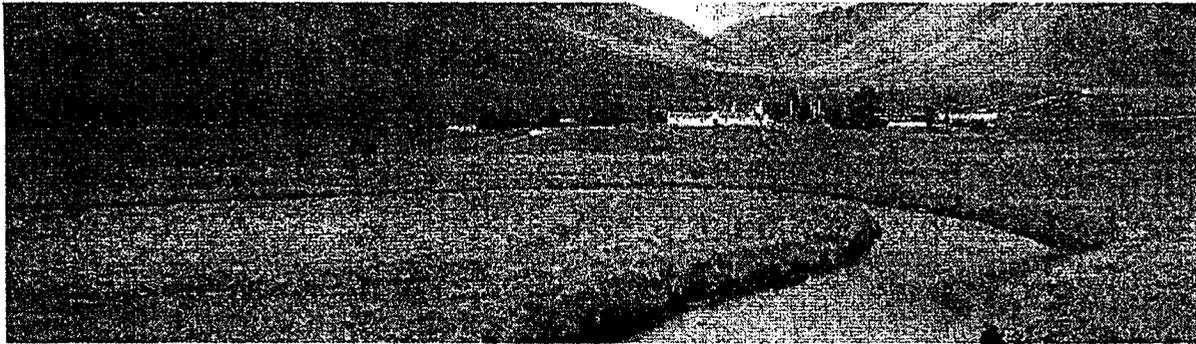
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OUR GOAL "To be the standard of excellence against which all others shall be compared."

This goal has driven Fairwinds to its current position of providing the oil and gas industry with a level of expertise that only a staff of highly qualified senior personnel can provide. Fairwinds provides its staff with the latest in software and technology to accomplish each project.

Fairwinds is a full-service project management, engineering, consulting & inspection firm. We service the oil & gas, and marine industries dealing with all aspects of any particular project. Fairwinds has been managing onshore and offshore projects in the United States and globally since 1994.

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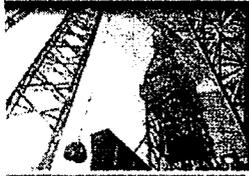
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About Us

Our Strengths



Focused strategy and significant scale in the Gulf of Mexico. Our operations and drilling inventory are focused in the Gulf of Mexico and Gulf Coast region, where we have one of the largest exploration acreage portfolios in the industry. Our focused strategy enables us to efficiently use our strong base of geological, engineering, and production experience in the area in which we have operated over the last 35 years. We also believe that our increased scale of operations in the Gulf of Mexico will provide synergies and an improved platform from which we will be able to pursue our business strategy.

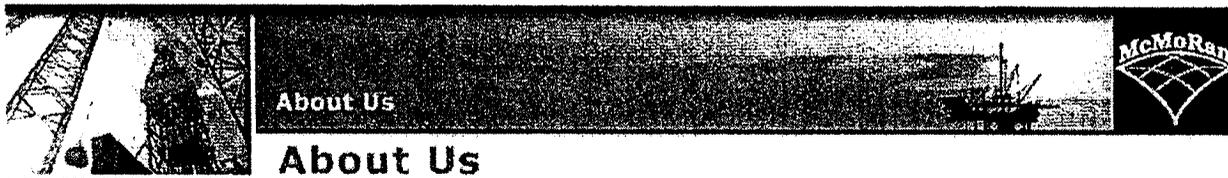
Significant exploration and development potential. We have exploration rights with significant potential in the Gulf of Mexico and the Gulf Coast region. We have also participated in important discoveries in an area where we control over 150,000 gross acres within OCS 310 in federal waters and Louisiana State Lease 340, including Flatrock, Hurricane, Hurricane Deep, JB Mountain and Mound Point. We believe there is significant additional exploration and development potential in this area. We are actively exploring prospects that lie below significant production at shallower intervals.

Partnering opportunities. We are recognized in the industry as a leader in drilling deep gas wells in the Gulf of Mexico. Our experience provides us with opportunities to partner with other established oil and gas companies to explore our identified prospects as well as prospects other companies bring to us. These partnership opportunities allow us to diversify our risks and better manage costs.

Technical expertise. We have significant expertise in various exploration technologies, including incorporating 3-D seismic interpretation capabilities with traditional structural geological techniques, deep offshore drilling and horizontal drilling. We employ geophysicists, geologists, petroleum engineers, production and reservoir engineers and technical professionals who have extensive experience in their technical fields. We also own, or have rights, to an extensive seismic database, including 3-D seismic data on substantially all of our acreage. We believe our extensive use of these technologies reduces the cost of our drilling program and increases the likelihood of its success. We continually apply our extensive in-house expertise and advanced technologies to benefit our exploration, drilling and production operations.

Experienced senior management team with a significant stake in our company. Each of our cochairmen and our chief executive officer has over 30 years of oil and gas experience, with specific expertise in the Gulf of Mexico. In addition to significant industry experience, our senior management team, together with our directors, have a significant ownership stake in our company.

Information as of March 2009



We engage in the exploration, development and production of oil and natural gas offshore in the Gulf of Mexico and onshore in the Gulf Coast area. Our exploration strategy is focused on the "deep gas play," drilling to depths of 15,000 to 25,000 feet in the shallow waters of the Gulf of Mexico and Gulf Coast area to target large structures in the Deep Miocene, and on the "ultra-deep gas play" below 25,000 feet. We have one of the largest acreage positions in the shallow waters of these areas, which are our regions of focus. Our focused strategy enables us to capitalize on our geological and technical capabilities, and our more than 35 years of operating experience in this region. We also believe that our scale of operations in the Gulf of Mexico allows us to realize certain operating synergies and provides a strong platform from which to pursue our business strategy. Our oil and gas operations are conducted through MOXY, our principal operating subsidiary.

RAM SALE NUMBER: 7632
RAM ACCOUNTING DATE: 20091231

INTERNET TRANSMISSION DATE:
2009/12/30

SERIAL NUMBER:
77/521400

Description	Fee Code	Transaction Date	Fee	Number Of Classes	Total Fees Paid
New App	7001	2009/12/30	325	1	325