

ESTTA Tracking number: **ESTTA442418**

Filing date: **11/22/2011**

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	John Crane Production Solutions Inc.
Granted to Date of previous extension	02/15/2012
Address	6400 West Oakton Street Morton Grove, IL 60053 UNITED STATES

Attorney information	Julia Anne Matheson Finnegan, Henderson, Farabow, Garrett & Dunner, LLP 901 New York Avenue, N.W. Washington, DC 20001 UNITED STATES docketing@finnegan.com, julia.matheson@finnegan.com, susannah.kolstad@finnegan.com Phone:202-408-4000
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Applicant Information

Application No	76707726	Publication date	10/18/2011
Opposition Filing Date	11/22/2011	Opposition Period Ends	02/15/2012
Applicant	R2 R&D, LLC 1508 East FM 700, Suite A & B Big Spring, TX 79720 UNITED STATES		

Goods/Services Affected by Opposition

Class 007. All goods and services in the class are opposed, namely: Machines and machine tools, namely, fiberglass sucker rods and fiberglass suck rod end-fittings
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2918590	Application Date	10/23/2003
Registration Date	01/18/2005	Foreign Priority Date	NONE
Word Mark	FIBEROD		

Design Mark	FIBEROD		
Description of Mark	NONE		
Goods/Services	Class 007. First use: First Use: 2002/12/10 First Use In Commerce: 2002/12/10 Machine tools, namely, fiberglass sucker rods and fiberglass sucker rod end-fittings		

U.S. Registration No.	3270750	Application Date	02/10/2006
Registration Date	07/31/2007	Foreign Priority Date	NONE

Word Mark	FIBEROD
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Design Mark			
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Description of Mark	NONE		
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Goods/Services	Class 007. First use: First Use: 2005/01/12 First Use In Commerce: 2005/01/12 Machine tools, namely, fiberglass sucker rods and fiberglass sucker rod end-fittings		
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Attachments	76557464#TMSN.gif (1 page)(bytes) 76654886#TMSN.gif (1 page)(bytes) Notice of Opposition.pdf (20 pages)(141539 bytes)		
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Julia Anne Matheson/
Name	Julia Anne Matheson

Date	11/22/2011
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

<p>JOHN CRANE PRODUCTION SOLUTIONS INC.,</p> <p align="right">Opposer</p> <p align="center">v.</p> <p>R2 R&D, LLC,</p> <p align="right">Applicant.</p>	<p>Opposition No.: _____</p> <p>Mark: FINALROD Serial No.: 76707726 Filed: May 24, 2011</p>
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NOTICE OF OPPOSITION

John Crane Production Solutions Inc. (“Opposer” or “John Crane”), a Texas corporation, having a principal place of business at 6400 West Oakton Street, Morton Grove, Illinois 60053, believes that it is being and will be damaged by the registration of the mark FINALROD for “machine and machine tools, namely, fiberglass sucker rods and fiberglass suck [sic] rod end-fittings” in International Class 7 shown in Application Serial No. 76707726 and hereby opposes the same. As grounds for its opposition, John Crane alleges that, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to other matters:

John Crane and its FIBEROD Marks

1. John Crane is a global manufacturing and services organization in the areas of oil and gas recovery, oil and gas transmission, and petrochemical and petroleum refining.
2. A key component of John Crane’s business is the sale and servicing of artificial lift systems for use in crude oil production including, in particular, steel and

fiberglass sucker rods and related products.

3. John Crane currently markets and sells fiberglass sucker rods and related products under the name and mark FIBEROD and the associated FIBEROD Logo (displayed below) (the “Fiberod Marks”). John Crane, through its predecessor in interest, has used the FIBEROD Marks to identify fiberglass sucker rods and fiberglass sucker rod end-fittings since at least as early as December 2002.

4. As a result of their long term use, promotion, and commercial success, the FIBEROD Marks have been commercially strong and well-known for several years.

5. In addition to its common-law rights, John Crane owns the following federal trademark registrations for the FIBEROD Marks in the United States:

MARK	REG. NO. / REG. DATE	FIRST USE DATE	PRODUCTS/SERVICES
FIBEROD	2918590 issued 1/18/2005; Section 8/15 filed	12/10/2002	Machine tools, namely, fiberglass sucker rods and fiberglass sucker rod end-fittings in Class 7
FIBEROD & Design 	3270750 issued 7/31/2007	1/12/2005	Machine tools, namely, fiberglass sucker rods and fiberglass sucker rod end-fittings

True and copies of the TESS/TARR and Assignment records for these registrations are attached as Exhibit A.

Applicant and its FINALROD Application

6. R2 R&D, LLC (“Applicant”), the listed owner of Application Serial No. 76707726, is a limited liability company with an address of 1508 East FM 700, Suite A&B, Big Spring, Texas 79720.

7. On May 24, 2011, Applicant filed intent-to-use Application Serial No. 76707726 to register the mark FINALROD for “machine and machine tools, namely, fiberglass sucker rods and fiberglass suck *[sic]* rod end-fittings” in Class 7.

8. Upon information and belief, the sole Principal of Applicant is Russell P. Rutledge, Sr., the former Chairman and CEO of the company from whom John Crane purchased its rights in the FIBEROD Marks in 2008.

9. Accordingly, Applicant had actual knowledge of the FIBEROD Marks and of John Crane’s exclusive rights therein at the time it filed Application Serial No. 76707726.

Likelihood of Confusion, 15 U.S.C. § 1052(d)

10. John Crane repeats and realleges each and every allegation set forth in Paragraphs 1 through 10.

11. John Crane has priority based on its prior valid and subsisting registrations comprised of or containing the FIBEROD Marks. Further, John Crane has, through its predecessors in interest, used its FIBEROD Marks in commerce prior to the May 24, 2011 filing date of the opposed Application Serial No. 76707726.

12. The goods set forth in Applicant’s FINALROD application, Serial No. 76707726, are identical and/or closely related to John Crane’s products.

13. Applicant's FINALROD mark so resembles John Crane's prior used and registered FINALROD Marks in appearance and pronunciation as to be likely, when used in connection with Applicant's goods, to cause confusion, or to cause mistake, or to deceive under Section 2(d) of the Lanham Act, as amended 15 U.S.C. § 1052(d).

14. Upon information and belief, Applicant adopted the confusingly similar FINALROD mark in bad faith to take advantage of the goodwill and established reputation of the FIBEROD Marks.

WHEREFORE, John Crane believes that it is being and will be damaged, and will be damaged, by the registration of the mark shown in Application Serial No. 76707726 and requests that the opposition be sustained, and that registration to Applicant be refused.

The opposition filing fee has been submitted electronically. Any deficiency in the fee should be charged to Deposit Account No. 06-0916.

Respectfully submitted,

JOHN CRANE PRODUCTION SOLUTIONS
INC.

Dated: November 22, 2011

By: /Julia Anne Matheson/
Julia Anne Matheson

Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
901 New York Ave., N.W.
Washington, D.C. 20001-4413
Telephone: 202-408-4000
Facsimile: 202-408-4400

Attorneys for Opposer

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing NOTICE OF OPPOSITION was served by first class mail, postage prepaid, on November 22, 2011, upon Applicants at the following correspondence address of record:

Jacob S. Mattis, Esq.
The Matthews Firm
2000 BERING DR STE 700
HOUSTON, TX 77057-3776

Susannah C. Kolstad
Susannah C. Kolstad
Litigation Legal Assistant

JOHN CRANE PRODUCTION SOLUTIONS INC.,

v.

R2 R&D, LLC,

Opposition No.: _____

Mark: FINALROD

Serial No.: 76707726

Filed: May 24, 2011

NOTICE OF OPPOSITION

Exhibit A



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Typed Drawing

Word Mark	FIBEROD
Goods and Services	IC 007. US 013 019 021 023 031 034 035. G & S: Machine tools, namely, fiberglass sucker rods and fiberglass sucker rod end-fittings. FIRST USE: 20021210. FIRST USE IN COMMERCE: 20021210
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76557464
Filing Date	October 23, 2003
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	October 26, 2004
Registration Number	2918590
Registration Date	January 18, 2005
Owner	(REGISTRANT) The Fiber Composite Company, Inc. CORPORATION TEXAS 100 Runnels Big Springs TEXAS 79720 (LAST LISTED OWNER) JOHN CRANE PRODUCTION SOLUTIONS INC. CORPORATION TEXAS 6400 WEST OAKTON STREET MORTON GROVE ILLINOIS 60053
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Julia Anne Matheson
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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Serial Number: 76557464 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 2918590

Mark (words only): FIBEROD

Standard Character claim: No

Current Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Date of Status: 2011-08-26

Filing Date: 2003-10-23

Transformed into a National Application: No

Registration Date: 2005-01-18

Register: Principal

Law Office Assigned: LAW OFFICE 116

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: M70 -TMO Law Office 116

Date In Location: 2011-08-26

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. JOHN CRANE PRODUCTION SOLUTIONS INC.

Address:

JOHN CRANE PRODUCTION SOLUTIONS INC.

6400 WEST OAKTON STREET

MORTON GROVE, IL 60053

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Texas

GOODS AND/OR SERVICES

International Class: 007

Class Status: Active

Machine tools, namely, fiberglass sucker rods and fiberglass sucker rod end-fittings

Basis: 1(a)

First Use Date: 2002-12-10

First Use in Commerce Date: 2002-12-10

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-08-26 - Notice Of Acceptance Of Sec. 8 & 15 - E-Mailed

2011-08-26 - Section 8 (6-year) accepted & Section 15 acknowledged

2011-08-25 - Case Assigned To Post Registration Paralegal

2011-07-14 - TEAS Section 8 & 15 Received

2011-05-11 - Automatic Update Of Assignment Of Ownership

2009-12-17 - Attorney Revoked And/Or Appointed

2009-12-17 - TEAS Revoke/Appoint Attorney Received

2008-05-14 - Assignment Of Ownership Not Updated Automatically

2005-01-18 - Registered - Principal Register

2004-10-26 - Published for opposition

2004-10-06 - Notice of publication

2004-08-31 - Law Office Publication Review Completed

2004-08-31 - Assigned To LIE

2004-08-27 - Assigned To LIE

2004-08-16 - Assigned To LIE

2004-08-05 - Approved for Pub - Principal Register (Initial exam)

2004-07-20 - TEAS Change Of Correspondence Received

2004-07-06 - Amendment From Applicant Entered
2004-07-06 - Communication received from applicant
2004-07-06 - PAPER RECEIVED
2004-05-24 - Non-final action mailed
2004-05-05 - Assigned To Examiner
2003-11-24 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Julia Anne Matheson

Correspondent

Julia Anne Matheson

Finnegan, Henderson, Farabow, Garrett &

901 NEW YORK AVENUE, NW

WASHINGTON DC 20001-4413

Phone Number: (202) 408-4000

Fax Number: (202) 408-4400



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Trademark Assignment Abstract of Title

Total Assignments: 4

Serial #: [76557464](#)

Filing Dt: 10/23/2003

Reg #: [2918590](#)

Reg. Dt: 01/18/2005

Registrant: The Fiber Composite Company, Inc.

Mark: FIBEROD

Assignment: 1

Reel/ Frame: [3772/0671](#)

Received: 05/06/2008

Recorded: 05/06/2008

Pages: 6

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [THE FIBER COMPOSITE COMPANY, INC.](#)

Exec Dt: 05/02/2008

Entity Type: CORPORATION

Citizenship: TEXAS

Assignee: [FR ACQUISITION SUB. INC.](#)6400 WEST OAKTON STREET
MORTON GROVE, ILLINOIS 60053

Entity Type: CORPORATION

Citizenship: DELAWARE

Correspondent: CATHERINE R. HOWELL, SENIOR PARALEGAL

1111 PENNSYLVANIA AVE., N.W.
MORGAN, LEWIS & BOCKIUS LLP
WASHINGTON, DC 20004

Assignment: 2

Reel/ Frame: [3772/0710](#)

Received: 05/06/2008

Recorded: 05/06/2008

Pages: 5

Conveyance: CHANGE OF NAME

Assignor: [FR ACQUISITION SUB. INC.](#)

Exec Dt: 05/02/2008

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: [FIBEROD, INC.](#)6400 WEST OAKTON STREET
MORTON GROVE, ILLINOIS 60053

Entity Type: CORPORATION

Citizenship: DELAWARE

Correspondent: CATHERINE R. HOWELL, SENIOR PARALEGAL

1111 PENNSYLVANIA AVE., N.W.
MORGAN, LEWIS & BOCKIUS LLP
WASHINGTON, DC 20004

Assignment: 3

Reel/ Frame: [4537/0287](#)

Received: 05/09/2011

Recorded: 05/09/2011

Pages: 6

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [FIBEROD, INC.](#)

Exec Dt: 12/17/2009

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: [CDI ENERGY SERVICES, INC.](#)11182 U.S. HWY 69N
TYLER, TEXAS 75706

Entity Type: CORPORATION

Citizenship: TEXAS

Correspondent: JULIA ANNE MATHESON

901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001

Assignment: 4

Reel/ Frame: [4537/0305](#)

Received: 05/09/2011

Recorded: 05/09/2011

Pages: 7

Conveyance: CHANGE OF NAME

Assignor: [CDI ENERGY SERVICES, INC.](#)

Exec Dt: 02/24/2010

Entity Type: CORPORATION

Citizenship: TEXAS

Assignee: [JOHN CRANE PRODUCTION SOLUTIONS INC.](#)

6400 WEST OAKTON STREET
MORTON GROVE, ILLINOIS 60053

Entity Type: CORPORATION

Citizenship: TEXAS

Correspondent: JULIA ANNE MATHESON

901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001

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Word Mark	FIBEROD
Goods and Services	IC 007. US 013 019 021 023 031 034 035. G & S: Machine tools, namely, fiberglass sucker rods and fiberglass sucker rod end-fittings. FIRST USE: 20050112. FIRST USE IN COMMERCE: 20050112
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	01.01.10 - Stars, three or more; Three or more stars 01.01.13 - Stars - multiple stars with five points 03.15.01 - Eagles 03.15.19 - Birds or bats in flight or with outspread wings 03.15.24 - Stylized birds and bats 26.17.07 - Heat, lines depicting; Lines depicting speed, propulsion, heat or wind; Propulsion, lines depicting; Speed, lines depicting; Wind, lines depicting 26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved
Serial Number	76654886
Filing Date	February 10, 2006
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	May 15, 2007
Registration Number	3270750
Registration Date	July 31, 2007
Owner	(REGISTRANT) The Fiber Composite Company, Inc. CORPORATION TEXAS 3604 Bethel Drive Big Spring TEXAS 79720

(LAST LISTED OWNER) JOHN CRANE PRODUCTION SOLUTIONS INC. CORPORATION TEXAS
6400 WEST OAKTON STREET MORTON GROVE ILLINOIS 60053

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Julia Anne Matheson
Prior Registrations 2918590
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Serial Number: 76654886 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3270750

Mark



(words only): FIBEROD

Standard Character claim: No

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2007-07-31

Filing Date: 2006-02-10

Transformed into a National Application: No

Registration Date: 2007-07-31

Register: Principal

Law Office Assigned: LAW OFFICE 103

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-07-31

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. JOHN CRANE PRODUCTION SOLUTIONS INC.

Address:
JOHN CRANE PRODUCTION SOLUTIONS INC.
6400 WEST OAKTON STREET

MORTON GROVE, IL 60053

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Texas

GOODS AND/OR SERVICES

International Class: 007

Class Status: Active

Machine tools, namely, fiberglass sucker rods and fiberglass sucker rod end-fittings

Basis: 1(a)

First Use Date: 2005-01-12

First Use in Commerce Date: 2005-01-12

ADDITIONAL INFORMATION

Design Search Code(s):

01.01.10 - Stars, three or more; Three or more stars

01.01.13 - Stars - multiple stars with five points

03.15.01 - Eagles

03.15.19 - Birds or bats in flight or with outspread wings

03.15.24 - Stylized birds and bats

26.17.07 - Heat, lines depicting; Lines depicting speed, propulsion, heat or wind; Propulsion, lines depicting; Speed, lines depicting; Wind, lines depicting

26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

Prior Registration Number(s):

2918590

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-05-11 - Automatic Update Of Assignment Of Ownership

2009-12-17 - Attorney Revoked And/Or Appointed

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2007-03-16 - Approved for Pub - Principal Register (Initial exam)
2007-03-15 - Amendment From Applicant Entered
2007-03-15 - Communication received from applicant
2007-03-15 - Assigned To LIE
2007-02-07 - PAPER RECEIVED
2006-08-03 - Non-final action mailed
2006-08-02 - Non-Final Action Written
2006-08-01 - Assigned To Examiner
2006-02-21 - Application Filing Receipt Mailed
2006-02-16 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Julia Anne Matheson

Correspondent
Julia Anne Matheson
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Washington DC 20001
Phone Number: 2024084000
Fax Number: 2024084400



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Trademark Assignment Abstract of Title

Total Assignments: 4

Serial #: [76654886](#)

Filing Dt: 02/10/2006

Reg #: [3270750](#)

Reg. Dt: 07/31/2007

Registrant: The Fiber Composite Company, Inc.

Mark: FIBEROD

Assignment: 1

Reel/ Frame: [3772/0671](#)

Received: 05/06/2008

Recorded: 05/06/2008

Pages: 6

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [THE FIBER COMPOSITE COMPANY, INC.](#)

Exec Dt: 05/02/2008

Entity Type: CORPORATION

Citizenship: TEXAS

Assignee: [FR ACQUISITION SUB. INC.](#)

6400 WEST OAKTON STREET
MORTON GROVE, ILLINOIS 60053

Entity Type: CORPORATION

Citizenship: DELAWARE

Correspondent: CATHERINE R. HOWELL, SENIOR PARALEGAL

1111 PENNSYLVANIA AVE., N.W.
MORGAN, LEWIS & BOCKIUS LLP
WASHINGTON, DC 20004

Assignment: 2

Reel/ Frame: [3772/0710](#)

Received: 05/06/2008

Recorded: 05/06/2008

Pages: 5

Conveyance: CHANGE OF NAME

Assignor: [FR ACQUISITION SUB. INC.](#)

Exec Dt: 05/02/2008

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: [FIBEROD, INC.](#)

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Citizenship: DELAWARE

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MORGAN, LEWIS & BOCKIUS LLP
WASHINGTON, DC 20004

Assignment: 3

Reel/ Frame: [4537/0287](#)

Received: 05/09/2011

Recorded: 05/09/2011

Pages: 6

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [FIBEROD, INC.](#)

Exec Dt: 12/17/2009

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: [CDI ENERGY SERVICES, INC.](#)

11182 U.S. HWY 69N
TYLER, TEXAS 75706

Entity Type: CORPORATION

Citizenship: TEXAS

Correspondent: JULIA ANNE MATHESON

901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001

Assignment: 4

Reel/ Frame: [4537/0305](#)

Received: 05/09/2011

Recorded: 05/09/2011

Pages: 7

Conveyance: CHANGE OF NAME

Assignor: [CDI ENERGY SERVICES, INC.](#)

Exec Dt: 02/24/2010

Entity Type: CORPORATION

Citizenship: TEXAS

Assignee: [JOHN CRANE PRODUCTION SOLUTIONS INC.](#)

6400 WEST OAKTON STREET
MORTON GROVE, ILLINOIS 60053

Entity Type: CORPORATION

Citizenship: TEXAS

Correspondent: JULIA ANNE MATHESON

901 NEW YORK AVENUE, NW
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