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

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| Proceeding | 91205542 |
| Party | Plaintiff Halliburton Energy Services, Inc. |
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| Date | 09/27/2012 |
| Attachments | Answer to Amended Counterclaim.pdf (7 pages)(86117 bytes) |

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

HALLIBURTON ENERGY SERVICES, INC.,

Opposer/Respondent,

v.

BAKER HUGHES INCORPORATED,

Applicant/Petitioner.

Opposition No.: 91205542

Application Ser. No. 85/402,715

Mark: VACS

ANSWER TO FIRST AMENDED COUNTERCLAIM

Through the undersigned counsel, Opposer/Respondent Halliburton Energy Services, Inc. (“Halliburton”) answers the First Amended Counterclaim filed against Registration No. 3,738,313 by Applicant/Petitioner Baker Hughes Incorporated (“Petitioner”), as set forth below. The Answer paragraphs are numbered to correspond to the numbered paragraphs of the First Amended Counterclaim. Halliburton also renews its motion to dismiss, as Petitioner’s First Amended Counterclaim failed to remedy the original counterclaim’s significant deficiencies and still fails to satisfy the threshold pleading standards. Therefore, concurrently herewith, Halliburton submits a reply brief in support of its motion to dismiss.

1. Halliburton admits the allegations contained in paragraph 1 of the First Amended Counterclaim.

2. Halliburton admits the allegations contained in paragraph 2 of the First Amended Counterclaim.

3. Halliburton denies the allegations contained in paragraph 3 of the First Amended Counterclaim.

4. Halliburton admits the allegations pertaining to the '596 application contained in paragraph 4 of the First Amended Counterclaim, but denies any allegations pertaining to a so-called '595 Application.

5. Halliburton admits the allegations contained in paragraph 5 of the First Amended Counterclaim.

6. Halliburton denies the allegations contained in paragraph 6 of the First Amended Counterclaim because an Office Action was not mailed on March 13, 2007, but admits that an Office Action was mailed on March 14, 2007, and states that the file history speaks for itself.

7. Halliburton denies the allegations contained in paragraph 7 of the First Amended Counterclaim because an Office Action was not mailed on March 13, 2007, but admits that an Office Action was mailed on March 14, 2007, and states that the file history speaks for itself.

8. Halliburton admits the allegations contained in paragraph 8 of the First Amended Counterclaim.

9. Halliburton admits the allegations contained in paragraph 9 of the First Amended Counterclaim.

10. Halliburton admits the first two sentences contained in paragraph 10 of the First Amended Counterclaim, but denies that it filed an Office Action on April 23, 2008, and states that the file history speaks for itself.

11. Halliburton admits the allegations contained in paragraph 11 of the First Amended Counterclaim.

12. Halliburton admits the allegations contained in paragraph 12 of the First Amended Counterclaim.

13. Halliburton admits the allegations contained in paragraph 13 of the First Amended Counterclaim.

14. Halliburton admits the allegations contained in paragraph 14 of the First Amended Counterclaim.

15. Halliburton admits the allegations contained in paragraph 15 of the First Amended Counterclaim.

16. Halliburton admits the allegations contained in paragraph 16 of the First Amended Counterclaim.

17. Halliburton admits the allegations contained in paragraph 17 of the First Amended Counterclaim.

18. Halliburton re-alleges its responses to paragraphs 1-17 of the First Amended Counterclaim.

19. Halliburton denies the allegations contained in paragraph 19 of the First Amended Counterclaim.

20. Halliburton denies the allegations contained in paragraph 20 of the First Amended Counterclaim.

21. Halliburton denies the allegations contained in paragraph 21 of the First Amended Counterclaim.

22. Halliburton denies the allegations contained in paragraph 22 of the First Amended Counterclaim.

23. Halliburton is without knowledge or information sufficient to form a belief as to the truth or falsity of whether the parties' respective customers and potential customers; advertising media; and channels of distribution are virtually identical, and therefore denies the

same. Halliburton denies the remaining allegations contained in paragraph 23 of the First Amended Counterclaim.

24. Halliburton denies the allegations contained in paragraph 24 of the First Amended Counterclaim.

25. Halliburton denies the allegations contained in paragraph 25 of the First Amended Counterclaim.

26. Halliburton denies the allegations contained in paragraph 26 of the First Amended Counterclaim.

27. Halliburton denies the allegations contained in paragraph 27 of the First Amended Counterclaim.

28. Halliburton denies the allegations contained in paragraph 28 of the First Amended Counterclaim.

29. Halliburton denies the allegations contained in paragraph 29 of the First Amended Counterclaim.

30. Halliburton denies the allegations contained in paragraph 30 of the First Amended Counterclaim.

31. Halliburton re-alleges its responses to paragraphs 1-30 of the First Amended Counterclaim.

32. Halliburton admits that the goods listed in the VAC TECH Registration are “drilling machines; drilling machines and parts therefor,” but denies the remaining allegations contained in paragraph 32 of the First Amended Counterclaim.

33. Halliburton admits that the specimen filed on April 1, 2009 shows use of the mark VAC TECH on or in connection with mechanical downhole equipment for use in oil and gas

wells, but denies the remaining allegations contained in paragraph 33 of the First Amended Counterclaim.

34. Halliburton denies the allegations contained in paragraph 34 of the First Amended Counterclaim.

35. Halliburton re-alleges its responses to paragraphs 1-34 of the First Amended Counterclaim.

36. Halliburton admits that Baker Hughes and Halliburton are competitors in the field of downhole tools and is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in paragraph 36 of the First Amended Counterclaim and, therefore, denies the same.

37. Halliburton denies the allegations contained in paragraph 37 of the First Amended Counterclaim.

38. Halliburton admits that its VAC TECH products are downhole tools and is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in paragraph 38 of the First Amended Counterclaim and, therefore, denies the same.

39. Halliburton is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 39 of the First Amended Counterclaim and, therefore, denies the same.

40. Halliburton is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in the first sentence of paragraph 40 of the First Amended Counterclaim and, therefore, denies the same. Halliburton denies the remaining allegations contained in Paragraph 40 of the First Amended Counterclaim.

41. Halliburton denies the allegations contained in paragraph 41 of the First Amended Counterclaim.

42. Halliburton denies the allegations contained in paragraph 42 of the First Amended Counterclaim.

43. Halliburton denies the allegations contained in paragraph 43 of the First Amended Counterclaim.

44. No response is necessary to paragraph 44 of the First Amended Counterclaim.

RESPONSE TO PRAYER

Halliburton respectfully requests that the Trademark Trial and Appeal Board dismiss Petitioner's First Amended Counterclaim with prejudice.

Respectfully submitted,

Date: September 27, 2012

/Joel D. Leviton/

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ATTORNEYS FOR HALLIBURTON
ENERGY SERVICES, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the following document:

ANSWER TO FIRST AMENDED COUNTERCLAIM

has been served this 27th day of September, 2012 by U.S. mail, postage prepaid, upon counsel for Applicant/Petitioner:

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/Joel D. Leviton/

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